

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 315 (Senator Green)

Judicial Proceedings

Crimes - Sexual Acts Between Employers or Supervisors and Minor Employees

This bill prohibits specified sexual activity or contact between an employer or regular supervisor and an employee who is under 18 years of age if the employer or supervisor is at least four years older than the employee. The bill provides for an exception to the prohibition in instances where the employer or supervisor is the legal spouse of the employee. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$1,000 and/or imprisonment for six months. The bill allows consecutive or concurrent sentencing for this offense with sentences for any other sexual offenses.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's monetary penalty provision.

Local Effect: Potential minimal increase in expenditures due to the bill's penalty provisions. Revenues would not be affected.

Small Business Effect: None.

Analysis

Current Law: The criminal prohibition created by this bill does not currently exist. A prosecution for such actions would have to be made under prohibitions against a variety of sexual offenses in the criminal code, when applicable.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision since these cases would be heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2001 are estimated to range from \$11 to \$54 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$22 to \$83 per inmate in fiscal 2001.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2000

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