

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE  
Revised

Senate Bill 415 (Senator Hoffman. *et al.*)

Judicial Proceedings

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**Sexual Offenses - Juvenile Justice Facilities and Licensed Institutions**

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This bill prohibits an employee of the Department of Juvenile Justice or licensee from engaging in a sexual act with an individual confined in a juvenile facility. A violator is guilty of a misdemeanor and is subject to a maximum fine of \$3,000 or maximum imprisonment for three years or both.

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**Fiscal Summary**

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

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A correctional employee may not engage in a sexual act with an inmate at an adult correctional institution. A violator is guilty of a misdemeanor and is subject to a maximum fine of \$3,000 or a maximum term of imprisonment for three years or both.

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

The number of people convicted of this proposed crime is expected to be minimal. It is

already a crime for an adult to engage in a sexual act with a minor. This bill would criminalize the conduct of an employee of a juvenile facility who engages in a sexual act with an individual who is confined in a juvenile facility who has reached the age of 18. The number of individuals detained in or committed to a juvenile facility who have reached the age of 18 is currently 57 males and four females. There have been eight allegations of sexual abuse by employees against residents of juvenile facilities during the past three years, all of which involved individuals younger than 18. The number of correctional employees who have been convicted of engaging in a sexual act with an inmate in an adult correctional facility is not readily available, but is believed to be small.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs.

Individuals serving a sentence of longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$260 per month.

Individuals 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 an individual has served 90 days in a local facility. State per diem reimbursements for fiscal 2001 are estimated to range from \$11 to \$54 per inmate depending upon the jurisdiction. Individuals sentenced to a term of one year or less in Baltimore City are generally incarcerated in DOC facilities.

**Local Revenues:** Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

**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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 14, 2000  
drg/jr Revised - Senate Third Reader - March 20, 2000  
Revised - Enrolled Bill - April 13, 2000

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