

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**  
**Revised**

House Bill 850

(Delegates Dembrow and Barkley)

Judiciary

Judicial Proceedings

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**Family Law - International Child Abduction**

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This bill prohibits a relative who knows that another person is the lawful custodian of a child under the age of 16 from abducting the child to a place outside of the United States. Such a relative is also prohibited from detaining a child in a place outside the United States for more than 48 hours after the lawful custodian demands that the child be returned. A relative is also prohibited from acting as an accessory to the abduction, detention, harboring, or hiding of a child outside the United States.

A violator is guilty of a felony and on conviction is subject to a maximum fine of \$5,000 and/or a maximum term of imprisonment of three years.

The bill also alters the applicable location relating to current law provisions prohibiting the abduction and harboring of children from “outside of this State” to “in another State.”

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**Fiscal Summary**

**State Effect:** General fund expenditures could increase minimally as a result of the bill’s penalty provisions.

**Local Effect:** Potential minimal increase in revenues. Potential minimal increase or decrease in expenditures.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** A relative who knows that another person is the lawful custodian of a child under the age of 16 is prohibited from abducting the child to a place outside of this State. Such a relative is also prohibited from detaining a child in a place outside the State for more than 48 hours after the lawful custodian demands that the child be returned. A relative is also prohibited from acting as an accessory to the abduction, detention, harboring, or hiding of a child outside the State.

If the child is out of the custody of the lawful custodian for 30 days or less, a violator is guilty of a felony and subject to a maximum fine of \$250 and/or a maximum term of imprisonment of 30 days. If the child is out of the custody of the lawful custodian for more than 30 days, the violator is guilty of a felony and subject to a maximum fine of \$1,000 and/or a maximum term of imprisonment of one year.

**State Expenditures:** General fund expenditures could increase minimally because the bill could result in more people being committed to Division of Correction (DOC) facilities, people being committed to DOC facilities for longer periods of time, and/or increased payments to counties for reimbursement of inmate costs.

Persons serving a sentence 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 \$288 per month.

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 2002 are estimated to range from \$9 to \$52 per inmate depending on the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities.

**Local Revenues:** Circuit court revenues could increase minimally as a result of the bill's increased fine provision.

**Local Expenditures:** Expenditures could increase minimally because the bill could result in people being incarcerated in local facilities for longer periods of time. However, expenditures could decrease minimally because the bill could result in people being incarcerated in State facilities when they would have otherwise been sentenced to local facilities. 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 \$17 to \$77 per inmate in fiscal 2002. The precise effect of the bill on local expenditures cannot be predicted at this time.

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### **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 – March 9, 2001  
ncs/jr Revised – Enrolled Bill – April 25, 2001

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