

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

**FISCAL NOTE**

House Bill 1124 (Delegate Mandel)  
Judiciary

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**Crimes - Fiduciary Relationships with Vulnerable Adults and Adults Unable to Live Independently -Exploitation Prohibited**

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This bill makes it unlawful for a person in a fiduciary relationship with a vulnerable adult or an adult that cannot live independently to engage in exploitation contrary to the trust of the fiduciary.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A person who has or exercises control or authority over the financial assets of a vulnerable adult or an adult who cannot live independently is presumed to have a fiduciary relationship. Exploitation means any action that involves the misuse of the funds, property, or person of the vulnerable adult or adult unable to live independently. Any person who engages in such activity is deemed guilty of embezzlement and shall be punished upon conviction by imprisonment for not less than one year nor more than five years.

**Current Law:** Any executor, administrator, guardian, committee, trustee, receiver, or any fiduciary that fraudulently and willfully appropriates something not in the lawful execution of his or her trust and any money or any other thing of value comes into his or her hands is guilty of embezzlement.

**Background:** During fiscal 2000, there were 33 intakes for embezzlement in Division of Correction (DOC) facilities.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to DOC facilities. The number of people convicted of this proposed crime is expected to be minimal.

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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month. For illustrative purposes, under the bill's maximum incarceration penalty the average time served would be 60 months. Assuming the variable inmate costs of \$288 per month, State costs could increase by \$17,280 for each person imprisoned under the bill.

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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 – February 21, 2001  
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