

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 435

(Delegate Hecht, *et al.*)

Judiciary

Crimes of Violence - Child Abuse

This bill adds the crime of “abuse of a child” to the list of crimes of violence for which specified enhanced penalties must be applied for repeat offenders. These enhanced penalties include: (1) a minimum ten-year sentence for a second conviction of a crime of violence; (2) a mandatory minimum 25-year sentence if a person has been imprisoned for at least one of two separate convictions of a crime of violence; and (3) a mandatory life sentence without parole for a fourth conviction of a crime of violence.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures due to the applicable enhanced penalty provisions for crimes of violence in future years. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: “Abuse of a child” means: (1) the sustaining of a serious injury by a child under the age of 18 years as a result of cruel or inhumane treatment or as a result of a malicious act by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child’s health or welfare is harmed or threatened; or (2) the sexual abuse of a child, whether physical injuries are sustained or

not. Child abuse is a felony and subjects violators to a maximum incarceration of 15 years.

“Crime of Violence” means abduction; arson in the first degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming, as proscribed under §§ 384, 385, and 386 of Article 27; murder; rape; robbery under § 486 or § 487 of Article 27; carjacking or armed carjacking; sexual offense in the first degree; sexual offense in the second degree; use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the aforesaid offenses; assault in the first degree; and assault with intent to murder, assault with intent to rape, assault with intent to rob, assault with intent to commit a sexual offense in the first degree, and assault with intent to commit a sexual offense in the second degree, as these crimes were previously proscribed under former § 12 of Article 27.

State Expenditures: The Division of Correction (DOC) received 69 offenders convicted of child abuse in fiscal 2000. The average sentence was 66 months. Offenders tend to actually serve 70% of their sentence. There is no current data to assess how many of these offenders were repeat offenders, although, it is assumed that some are and would have been subject to enhanced penalties under this bill.

Accordingly, this bill would increase the average sentence for repeat child abuse by more than 80%. A similar increase would occur in actual time served. For those offenders convicted of a fourth repeat offense and sentenced to life without parole the average time served would be 540 months.

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 sentencing provisions the average time served for a second-time offender could increase by at least 38 months. Assuming the medical and variable inmate costs of \$288 per month, State costs could increase by \$10,900 for each person imprisoned under the bill.

Additional Information

Prior Introductions: The same bill was introduced as HB 456 in 1998. It received an unfavorable report from the Judiciary Committee.

Cross File: None.

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

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