

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 1325

(Delegate Doory)

Judiciary

**Department of Public Safety and Correctional Services - Employee Relationships
- Prohibitions**

This bill prohibits an officer or other employee of the Department of Public Safety and Correctional Services (DPSCS) from establishing or maintaining an unauthorized, nonprofessional relationship with an inmate or individual under the supervision of DPSCS. A violator is guilty of a misdemeanor and subject to a maximum fine of \$1,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's monetary penalty provisions because these cases would be heard in the District Court. No effect on expenditures.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A State or local correctional employee is prohibited from engaging in a sexual act, including sexual intercourse, with any person who is incarcerated in a correctional facility or a community adult rehabilitation center. An employee of the Department of Juvenile Justice (DJJ) or of a licensee of DJJ is prohibited from engaging in a sexual act, including sexual intercourse, with an individual confined in a child care institution licensed by DJJ, a detention center for juveniles, or certain facilities for

juveniles. A violator of any of these prohibitions is guilty of a misdemeanor and subject to maximum penalties of a fine of \$3,000 and/or imprisonment for three years.

Background: The current law prohibitions do not include specialized personal or support staff in the definition of “correctional employee” for a State or local correctional facility or a community adult rehabilitation center.

Under DPSCS’s current *Standards of Conduct*, such relationships are banned. Violators are subject to termination.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader – March 15, 2001
ncs/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510