

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

Senate Bill 516 (Senator Ferguson, *et al.*)

Judicial Proceedings

Judiciary

Crimes - Fourth Degree Sexual Offense - Educator and Student

This bill prohibits an “educator” from engaging in a sexual act or vaginal intercourse with a person under the age of 18 and who, at the time of the act, is a student enrolled at the school that employs the educator. Violators are guilty of the current law misdemeanor of fourth degree sexual offense and subject to maximum penalties of a fine of \$1,000 and/or imprisonment for one year.

An educator is defined as a principal, vice principal, teacher, or school counselor at a public or private preschool, elementary school, or secondary school.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the applicable current law penalty provisions.

Local Effect: Potential minimal increase in expenditures due to the applicable incarceration penalty provision. Revenues should not be affected.

Small Business Effect: None.

Analysis

Current Law: A person is guilty of fourth degree sexual offense if the person engages: (1) in sexual contact with another person against the will and without the consent of the other person; or (2) except as provided under certain provisions applicable to third degree sexual offense, in a sexual act or vaginal intercourse with another person who is 14 or 15 years of age and the person performing the sexual act is four or more years older than the

other person. A violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$1,000 and/or imprisonment for one year.

State Revenues: General fund revenues could increase minimally as a result of the applicable monetary penalty provisions since these cases would generally be heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the applicable incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC 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.

Local Expenditures: Expenditures could increase as a result of the applicable incarceration penalty. Counties pay the full cost of incarceration 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.

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 25, 2001
cm/cer Revised – Senate Third Reader – March 20, 2001

Analysis by: Guy G. Cherry

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