

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

House Bill 1299

(Charles County Delegation)

Judiciary

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**Charles County - Crimes - Public Indecency**

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This bill prohibits a person from knowingly and intentionally engaging in sexual conduct or appearing nude in a public place in Charles County. The bill exempts children under the age of ten years or a mother nursing an infant under the age of two years from the bill's provisions. The bill also prohibits a person that maintains, owns, or operates a public place from knowingly, or with reason to know, allowing an individual to knowingly and intentionally engage in sexual conduct or appear nude in a public place in Charles County. Persons found guilty of a first offense are guilty of a misdemeanor and on conviction are subject to a fine of not more than \$1,000 or imprisonment not exceeding one year, or both. Persons found guilty of a second or subsequent offense are subject to a fine not exceeding \$10,000 or imprisonment not exceeding five years, or both.

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**Fiscal Summary**

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

**Local Effect:** Potential minimal increase in Charles County revenues and expenditures due to the bill's penalty provisions.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** There is no law prohibiting a person from knowingly or intentionally appearing nude or engaging in sexual conduct in a public place in Charles County. The common law crime of indecent exposure that applies in Maryland is the willful and intentional disclosure of the private parts of one's own body in a public place in the presence of an assembly and the penalty is imprisonment not exceeding three years or a fine not exceeding \$1,000 or both.

**Background:** The Division of Correction had 20 intakes and Parole and Probation had 147 intakes for the common law crime of indecent exposure statewide in fiscal 2000. The majority of these cases were from Baltimore City.

**State Revenue:** General fund revenues could increase under the bill's monetary penalty provisions for those cases heard in District Court, depending upon the number of convictions and fines imposed.

**State Expenditures:** General fund expenditures could increase as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to Charles County for reimbursement of inmate costs. 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. The average variable cost of a new DOC inmate (food medical care, etc.), excluding overhead is \$260 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 be \$29 per inmate in Charles County.

**Local Revenues:** Charles County revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

**Local Expenditures:** Charles County expenditures could increase minimally as a result of the bill's incarceration penalty. Charles County pays the full cost of incarceration for people in its facilities for the first 90 days of the sentence, plus part of the per diem cost

after 90 days. Per diem operating costs of the Charles County Detention Center are expected to be \$34 per inmate in fiscal 2002.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader – March 19, 2001  
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