

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 232
Judiciary

(Delegate Doory, *et al.*)

Judicial Proceedings

Correctional Services - Inmates - Indecent Exposure

This bill prohibits an inmate from lewdly, lasciviously, and indecently exposing private parts of the inmate's body in the presence of a correctional officer or authorized personnel with the intent to annoy, abuse, torment, harass, or embarrass that person. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$1,000 and/or imprisonment for three years.

The bill also provides that words and phrases that describe the common-law crime of indecent exposure retain their judicially determined meaning unless otherwise indicated.

Fiscal Summary

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

Local Effect: Minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: Indecent exposure is the willful and intentional disclosure of the private parts of one's body in a public place in the presence of an assembly. See *Dill v. State*, 24 Md. App. 695, 332 A.2d 690 (1975). Indecent exposure is a misdemeanor, punishable by imprisonment not exceeding three years or a fine not exceeding \$1,000 or both. Under

the common law, the exposure need only be in the presence of person, not necessarily a member of the opposite sex.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally 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 counties 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 \$1,850 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 \$300 per month.

Generally, 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 2003 are estimated to range from \$10 to \$61 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities 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 \$20 to \$84 per inmate in fiscal 2003.

Additional Information

Prior Introductions: In 2001 similar bills were introduced as HB 985 and SB 716. HB 985 passed the House and received an unfavorable report from the Senate Judicial

Proceedings Committee. SB 716 passed the Senate, was amended in the House, and passed the House. SB 716 had no further action taken on it.

Cross File: Although not identified as a cross file, this bill is identical to SB 429 (Senator Jimeno) – Judicial Proceedings.

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

Fiscal Note History: First Reader - February 4, 2002
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Analysis by: Guy G. Cherry

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