

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 1106

(Delegate Dembrow)

Judiciary

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**Criminal Procedure - Probation After Judgment - Extension**

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This bill authorizes a court to extend probation after judgment to no more than the maximum period of confinement authorized for the crime in any case where:

- the court: (1) has imposed a criminal sentence for a specified time and provided that a lesser time be served in confinement; (2) suspended the remainder of the sentence; and (3) ordered probation for a time longer than the sentence, not to exceed five years if ordered by a circuit court or three years if ordered by the District Court; and
- the defendant was convicted of: (1) sexual abuse of a minor; (2) first or second degree rape involving a minor; or (3) first, second, or third degree sexual offense involving a minor.

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**Fiscal Summary**

**State Effect:** Potential increase in general fund expenditures for the Division of Parole and Probation if courts order significantly longer probationary periods pursuant to this bill's provisions. Potential minimal increases in general fund revenues from collection of \$25 monthly fees, assessed on parolees and probationers, for longer periods.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** A circuit court or the District Court may: (1) impose a criminal sentence for a specified time and provide that a lesser time be served in confinement; (2) suspend the remainder of the sentence; and (3) order probation for a time longer than the sentence, not to exceed five years if ordered by a circuit court or three years if ordered by the District Court. The time of probation may be extended beyond these limits only for making restitution and only if the defendant consents in writing.

**Background:** A minor generally means a person under the age of 18 years. A conviction for first degree rape or first degree sexual offense generally carries a maximum penalty of life imprisonment. A conviction for child kidnapping along with first degree rape or first degree sexual offense, where the victim is a child under the age of 16 years, carries a maximum penalty of life imprisonment without the possibility of parole. A conviction for second degree rape or second degree sexual offense carries a maximum penalty of 20 years imprisonment. A conviction for third degree sexual offense carries a maximum penalty of ten years imprisonment. A conviction for sexual abuse of a minor by a parent, custodian, or other household or family member carries a maximum penalty of 15 years imprisonment (30 years if the violation results in the victim's death).

**State Expenditures:** Inasmuch as this bill's provisions could result in significantly longer court-ordered probationary periods for defendants convicted of the specified sexual offenses, this bill could result in increases in general fund expenditures for the Division of Parole and Probation (DPP). The fiscal impact cannot be reliably quantified because the number of cases where the court would actually extend probation and the length of time for which any probationary period might be extended is unknown.

**State Revenues:** Except in enumerated extenuating circumstances, persons under the supervision of DPP must pay a monthly fee of \$25 to DPP, which must pay the money collected to the general fund of the State. Extending a person's probation accordingly extends the period for which the person must pay this monthly fee.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2002

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