

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE

House Bill 1346  
Judiciary

(Delegate Pitkin, *et al.*)

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Child Abuse - Penalties

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This bill expands the definition of murder in the first degree to include a murder committed in perpetration, or in an attempt to perpetrate, child abuse.

The bill also provides that a human service worker, which includes a caseworker or social worker, who investigates a report of child abuse may not abuse the power of the office or knowingly make a false representation or false statement in a report. A human service worker who violates these provisions is guilty of a misdemeanor and is subject to a maximum \$500 fine, or imprisonment for up to six months, or both. A human service worker and any other employee of a local department who investigated a child abuse case where the person who was alleged to have abused a child, is later found guilty of murdering the child, is subject to criminal charges as an accessory before the fact to murder.

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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 expenditures due to the bill's penalty provisions.

**Small Business Effect:** None.

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## Analysis

**Current Law:** A murder is in the first degree if it is committed in the perpetration of, or an attempt to perpetrate, specified offenses, including arson in the first degree, mayhem, rape, kidnapping, and robbery. A person who commits murder in the first degree is guilty of a felony. On conviction, the person must be sentenced to death, imprisonment for life without the possibility of parole, or imprisonment for life.

“Child abuse” means the physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate the minor’s health or welfare is harmed by the treatment or the act. Child abuse also means the sexual abuse of a minor, whether physical injuries are sustained or not.

**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 increased payments to counties for reimbursement of inmate costs, more people being committed to Division of Correction (DOC) facilities, and people being committed to DOC facilities for longer periods of time. The fiscal effect is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the DOC 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 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 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 a DOC facility.

**Local Expenditures:** Expenditures could increase as a result of the bill’s 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 \$20 to \$84 per inmate in fiscal 2003.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 1, 2002  
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