

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE

House Bill 1347

(Delegate Pitkin, *et al.*)

Judiciary

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**Criminal Law - Child Sexual Abuse by a Family Member - Penalty**

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This bill increases, from 15 years to 20 years, the maximum imprisonment term for a conviction of the felony offense of a family or household member causing sexual abuse to a minor who is a member of the family or household.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's increased incarceration penalty provision. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** For purposes of the statutory prohibition against child abuse, "abuse" is defined as: (1) the sustaining of physical injury by a child as a result of cruel or inhumane treatment or as a result of a malicious act by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; or (2) sexual abuse of a child, whether physical injuries are sustained or not. "Sexual abuse" means any act of sexual molestation or exploitation of a child by a parent, household or family member, or other responsible person. Sexual abuse includes incest, rape, sodomy, an unnatural or perverted sexual practice, or a sexual offense in any degree.

Child abuse is a felony and subjects violators to a maximum incarceration penalty of 15 years. If the violation results in the death of the victim, the maximum penalty is 30 years.

“Child” means any individual under the age of 18 years.

“Household member” means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.

**Background:** In general, the age of consent to engage in sexual relations in the State is age 16. Engaging in sexual relations with an individual under the age of 16 subjects the person to various possible criminal penalties, depending on the act involved, the age of the victim, and the age of the person.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill’s increased incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted of this crime is expected to be minimal.

Generally, 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.

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### **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

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