

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1483

(Delegate O'Donnell)

Judiciary

Judicial Proceedings

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**Criminal Law - Child Abuse in the First Degree - Household Member or Family Member**

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This bill prohibits a household member or family member from causing abuse to a minor that results in the death of the minor or causes severe physical injury to the minor. A violator is guilty of the felony of first degree child abuse and subject to a current law maximum imprisonment penalty of 25 years or, if the violation results in the death of the victim, maximum imprisonment for 30 years.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The felony of first degree child abuse prohibits a parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor from causing abuse that causes serious physical injury or results in the death of the minor. A violator is subject to a maximum imprisonment penalty of 25 years or, if the violation results in the death of the victim, maximum imprisonment for 30 years.

Chapter 273 of 2002 established the crime of sexual abuse of a minor as a separate offense from “child abuse.” The Act provides that a parent or other person with permanent or temporary care or custody or responsibility for the supervision of a minor, or a “household member” or “family member,” may not cause sexual abuse to the minor. A violator is guilty of a felony and subject to maximum imprisonment of 15 years. A sentence imposed under these provisions may be separate from and consecutive to or concurrent with a sentence for: (1) any crime based on the act establishing a child sexual abuse violation; or (2) a “child abuse” violation separate from a child sexual abuse violation.

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

Persons serving a sentence longer than 18 months 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 \$350 per month. Excluding medical care, the average variable costs total \$120 per month.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 120 (Senators Brochin and Stone) – Judicial Proceedings.

**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction, Division of Parole and Probation, Division of Pretrial Detention and Services), Department of Human Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - March 21, 2004  
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