

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1104

(Delegates Quinter and Bohanan)

Judiciary

Criminal Procedure - Sexual Crimes Involving a Minor - Term of Probation

This bill authorizes a court to order probation for a time longer than a defendant's sentence for a defendant convicted of sexual abuse of a minor or, when the victim was a minor, of first or second degree rape or first, second, or third degree sexual offense. The authorization is limited to 10 years if ordered in a circuit court or six years if ordered in the District Court.

Fiscal Summary

State Effect: While this bill could minimally add to caseloads for the Division of Parole and Probation, its requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 287 of 2003 authorized a court to extend a convicted person's probation for an additional three years in the District Court or five years in a circuit court only for the purpose of making restitution. The Act allowed such a probation to be supervised or unsupervised.

Background: In fiscal 2003, there were 401 offenders ordered to probation for first or second degree rape or first, second, or third degree sexual offense. The Division of

Parole and Probation was unable to determine how many of those persons committed their offense against a minor.

Additional Information

Prior Introductions: None.

Cross File: SB 121 (Senator Brochin) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Commission on Criminal Sentencing Policy, Department of Public Safety and Correctional Services (Division of Parole and Probation), Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2004
mll/jr

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