

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 793
Judicial Proceedings

(Senator Mooney, *et al.*)

Crimes - Abduction of Children - Public Places

This bill prohibits a person from persuading or enticing, or aiding in persuading or enticing, a person under 16 years old from a public place for purposes of prostitution or sexual crimes. The bill also prohibits a person from secreting or harboring, or aiding in secreting or harboring, a person under the age of 16 who has been taken from a public place in such a manner for similar purposes. A violator is guilty of the misdemeanor of abduction of a child under 16 and subject to the maximum penalties applicable to that crime of imprisonment for 10 years and/or a fine of \$5,000. A prosecution for this offense may be instituted at any time.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: For purposes of prostitution or committing a sexual crime, a person may not:

- persuade or entice or aid in the persuasion or enticement of an individual under 16 years old from the individual's home or from the custody of the individual's parent or guardian; or

- knowingly secrete or harbor or aid in the secreting or harboring of an individual under 16 who has been persuaded or enticed in the manner described above.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 10 years and/or a fine of \$5,000. A prosecution for this offense may be instituted at any time. Generally, a prosecution for a misdemeanor must be instituted within one year after the offense was committed.

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 more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. 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 \$2,300 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 \$465 per month. Excluding medical care, the average variable costs total \$134 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. 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 2008 are estimated to range from \$21 to \$65 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities 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 \$42 to \$120 per inmate in fiscal 2008.

Additional Information

Prior Introductions: None.

Cross File: HB 803 (Delegate Shank, *et al.*) – Judiciary.

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 9, 2007
mll/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510