

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1485 (Delegate Conaway)
Rules and Executive Nominations

Criminal Procedure - Suspension of Sentence - Victim 35 Years Older Than Defendant

This bill prohibits a court from suspending the imposition or execution of a sentence for a defendant convicted of a crime of violence committed against a victim who is at least 35 years older than the defendant.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures to the extent that defendants are incarcerated for longer periods of time. Revenues are not affected.

Local Effect: Any increase in court proceedings can be handled with existing resources. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Section 14-101 of the Crime Procedure Article contains a list of offenses classified as crimes of violence. Courts have the discretion to suspend the imposition or execution of a sentence against a defendant upon conviction and may place the defendant on probation on the conditions that the court considers proper.

Background: According to the Maryland State Commission on Sentencing Policy, 2,003 offenders were convicted of 2,904 crimes of violence in fiscal 2008. Data concerning the age disparity between the victim and the defendant for these crimes is not available.

State Expenditures: General fund expenditures increase minimally due to more people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted of this type of offense 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 \$2,600 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 variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 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 2010 are estimated to range from \$23 to \$71 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

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ncs/kdm

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