

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 943
Judiciary

(Delegate Lee, *et al.*)

Criminal Law - Child Kidnapping and Prostitution - Penalty

This bill reclassifies the abduction of a child younger than age 16 for purposes of prostitution or committing a sexual crime from a misdemeanor to a felony and increases the maximum incarceration penalty from 10 to 20 years.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's expanded incarceration penalty. Revenues are not affected.

Local Effect: None. The bill is not expected to materially affect circuit court caseloads or local finances.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from committing the following acts for purposes of prostitution or committing a sexual crime: (1) persuading or enticing or aiding in the persuasion or enticement of an individual younger than age 16 from the individual's home or from the custody of the individual's parent or guardian; or (2) knowingly secreting or harboring or aiding in the secreting or harboring of an individual younger than age 16 who has been persuaded or enticed away from home or away from the custody of a parent or guardian.

Violators are guilty of a misdemeanor and subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000.

Background: According to the Maryland Sentencing Guidelines database, there have been no convictions in the circuit courts for this offense from the time it was placed into the Criminal Law Article in 2002 through fiscal 2012. According to the Judiciary, there was one violation of the “secreting or harboring” prohibition in the District Court during fiscal 2012.

State Expenditures: Changing crimes from misdemeanors to felonies means that (1) such cases are likely to be filed in the circuit courts rather than the District Court and (2) some persons may eventually serve longer incarcerations due to enhanced penalty provisions, applicable to some offenses for prior felony convictions. Accordingly, it is assumed that this bill shifts an unknown number of cases from the District Court to the circuit courts. It is not known whether such a prospective shift may spur more plea bargains and affect actual sentencing practices for this offense.

Additional Information

Prior Introductions: HB 1293 of 2012 received a hearing in the House Judiciary Committee. No further action was taken.

Cross File: None.

Information Source(s): Maryland State 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

Fiscal Note History: First Reader - February 21, 2013
mlm/kdm

Analysis by: Amy A. Devadas

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