

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1319
Ways and Means

(Delegate A. Washington, *et al.*)

Child Care Centers - Operating Without a License - Penalties

This bill increases, from \$1,500 to \$2,500, the maximum fine for a first violation of the misdemeanor offense of operating a child care center without a license. The bill also increases, from \$2,500 to \$5,000, the maximum penalty for a second or subsequent violation. In addition, the bill establishes that a violator of these provisions with respect to a child care center in which a child suffers serious physical injury or death is guilty of a misdemeanor and subject to maximum penalties of 60 days imprisonment and a \$2,500 fine for a first violation and one year imprisonment and a \$5,000 fine for a second or subsequent violation.

Fiscal Summary

State Effect: The bill is not anticipated to materially impact State incarceration costs. Potential minimal increase in general fund revenues due to the bill's monetary penalty provisions.

Local Effect: The bill's penalty provisions are not anticipated to materially impact local incarceration costs. Potential minimal increase in local revenues due to the bill's monetary penalty provisions.

Small Business Effect: Minimal.

Analysis

Current Law: Generally, a person must be licensed by the Maryland State Department of Education before operating a child care center. A violator is guilty of a misdemeanor and

subject to maximum fines of \$1,500 for a first violation and \$2,500 for a second or subsequent violation.

Individuals who violate statutory provisions, rules, or regulations regarding the operation of a nonlicensed child care center are also subject to maximum civil penalties of (1) \$250 for a first violation; (2) \$500 for a second violation; and (3) \$1,000 for third and subsequent violations. The maximum civil penalties imposed may not exceed \$5,000.

State Revenues: General fund revenues may increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court. In general, the District Court has concurrent jurisdiction with the circuit court for misdemeanors for which the penalty may be confinement for three years or more or a fine of \$2,500 or more.

State Expenditures: Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions. The bill is not anticipated to materially impact State incarceration costs.

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

Local Expenditures: Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years. The bill is not anticipated to materially impact local incarceration costs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2017
mm/rhh

Analysis by: Jennifer K. Botts

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