

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 481
Judiciary

(Delegate Mosby, *et al.*)

Judicial Proceedings

Criminal Law - Sale of a Minor - Felony

This bill reclassifies a violation of § 3-603 of the Criminal Law Article (sale of a minor) from a misdemeanor to a felony.

Fiscal Summary

State Effect: Any shift in cases from the District Court to the circuit courts, including fines imposed in these cases, is not expected to materially affect State finances.

Local Effect: Any shift in cases from the District Court to the circuit courts is not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: Pursuant to § 3-603 of the Criminal Law Article, a person may not sell, barter, or trade, or offer to sell, barter, or trade, a minor for money, property, or anything else of value. Violators are guilty of a misdemeanor, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine. While the prosecution of a misdemeanor is typically subject to a one-year statute of limitations, a violation of § 3-603 may be prosecuted at any time.

Background: According to the Judiciary, no violations of § 3-603 of the Criminal Law Article were filed in the District Court or the circuit courts during fiscal 2018. The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) advises that based on a review of the Maryland Sentencing Guidelines Database, MSCCSP did not receive

information for any individuals sentenced under § 3-603 in the State's circuit courts during fiscal 2018.

The Department of Public Safety and Correctional Services advises that the Division of Correction and the Division of Parole and Probation did not conduct any intakes under § 3-603 during fiscal 2018.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 14, 2019
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Analysis by: Amy A. Devadas

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