

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1320  
Judiciary

(Delegate Arikan, *et al.*)

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**Criminal Law - Sexual Crimes - Allowing Minor Who Is a Previous Offender to  
Be in the Presence of Another Minor**

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This bill prohibits a “knowing parent or legal guardian” of a “previous offender” from allowing the previous offender to be in the presence of another minor without adult supervision adequate to prevent the previous offender from harming the other minor. Violators are guilty of a misdemeanor and subject to imprisonment for up to two years and/or a \$10,000 maximum fine.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund revenues and expenditures due to the bill’s penalty provision.

**Local Effect:** Minimal increase in local revenues and expenditures due to the bill’s penalty provision.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** A “knowing parent or legal guardian” means a parent or legal guardian of a minor whom the parent or legal guardian knows or should know is a previous offender. “Previous offender” means a minor who has committed a crime or crimes prohibited under Title 3, Subtitle 3 of the Criminal Law Article (Sexual Crimes) against another minor or minors, whether or not (1) the crime or crimes were reported to law enforcement or (2) the previous offender was charged with, convicted of, or found responsible for the crime or crimes.

**Current Law:** Title 3, Subtitle 3 of the Criminal Law Article contains statutory provisions pertaining to several sexual crimes, including rape in the first and second degrees, sexual offenses in the third and fourth degrees, attempted rape, and sexual solicitation of a minor.

**State Revenues:** General fund revenues increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

**State Expenditures:** General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional 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 State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$4,700 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 a State correctional facility. The State provides assistance to the counties for locally sentenced inmates and for (1) inmates who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced inmates confined in a local detention center between 12 and 18 months; and (3) inmates who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

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

**Local Expenditures:** Expenditures 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 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$90 to \$300 per inmate in recent years.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Baltimore, Carroll, Harford, and Montgomery counties; 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; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2022  
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