

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1071
Judiciary

(Delegates Hutchins and O'Donnell)

Crimes - Child Abuse - Serious Physical Injury

This bill establishes an enhanced penalty for abuse to a minor of imprisonment not exceeding 20 years if the victim is under the age of 6. If the victim is at least 6 years old, a violator is subject to imprisonment not exceeding 15 years. If the abuse violation results in serious physical injury, the penalty is imprisonment not exceeding 25 years. "Serious physical injury" means physical injury that creates a substantial risk of death, causes permanent or protracted serious disfigurement, or the loss or impairment of the function of any bodily member or organ.

The bill has prospective application.

Fiscal Summary

State Effect: Potential increase in general fund expenditures for incarceration after FY 2008 due to the bill's increased penalty provisions.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: "Abuse" is defined as the physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate the minor's health or welfare is harmed or threatened or the sexual abuse of a minor, whether physical injuries are sustained or not. "Sexual abuse" is defined as an act

that involves the sexual molestation or exploitation of a minor. It includes incest, rape, sexual offense in any degree, sodomy and unnatural or perverted sexual practices.

A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor, or a household or family member may not cause abuse to the minor. A person who violates this provision is guilty of a felony and upon conviction is subject to imprisonment not exceeding 15 years or, if the violation results in the minor's death, imprisonment not exceeding 30 years. A sentence for this offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act that establishes the abuse violation.

State Expenditures: General fund expenditures could increase significantly as a result of the bill's incarceration penalties due to people being committed to Division of Correction (DOC) facilities for longer periods of time. The Division of Corrections advises that in fiscal 2001, there were 50 intakes for child abuse violations. The average sentence received was 68 months, or a little more than one-third of the maximum sentence. Information is not available regarding the age of the victims or the nature of the injuries.

Generally, persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,850 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 medical care and variable costs) is \$300 per month.

To the extent that the bill prompts an increase in the average sentence imposed for child abuse, any fiscal impact would not occur until at least 2007.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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