

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

House Bill 436

(Delegate Hecht, *et al.*)

Judiciary

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Crimes - Child Sexual Offenses - Travel

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This bill prohibits a person from traveling or conspiring to travel for the purpose of engaging in prohibited sexual activities with an individual who is or is believed to be under 18 years old.

A violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$3,000 and/or imprisonment for three years. Trials of persons charged under these provisions are authorized in the county where the travel began, continued, or ended, or in the county where the prohibited sexual activity occurred.

In addition, the bill authorizes an investigative or law enforcement officer, or other person acting at the prior direction and under the supervision of such an officer in a criminal investigation, to intercept a wire, oral, or electronic communication in order to provide evidence of the commission of offenses relating to the prohibitions established under the bill.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** None applicable to travel to commit such an offense. Interception of such communications is lawful in order to provide evidence of a variety of specified crimes, including murder, kidnapping, rape, fraudulent insurance acts, and certain hostage situations. Chapter 524 of 1998 added child pornography to this list of offenses.

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

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) 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 one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 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 \$288 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2002 are estimated to range from \$9 to \$52 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State operated facility, is used primarily for pretrial detentions.

The extent to which this bill could result in additional "wire taps" or other interceptions of communications is unknown. Likewise, the extent that such information legally obtained could result in a greater number of criminal convictions relating to such offenses is unknown. In any event, this aspect of the bill is not expected to significantly affect governmental operations or finances.

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

**Local Expenditures:** Expenditures could 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 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$17 to \$77 per inmate in fiscal 2002.

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### **Additional Information**

**Prior Introductions:** The same bill was introduced as HB 1001 in 2000. It received an unfavorable report from the Judiciary Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader – March 2, 2001  
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