

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 305 (Delegate T. Murphy, et al.)
Judiciary

Referred to Judicial Proceedings

Child Pornography - Computers

This enrolled bill prohibits a person from knowingly using a computer to depict or describe a minor engaging in an obscene act or in sexual conduct or sadomasochistic abuse. The bill also prohibits a person from using a computer to disseminate or receive certain information about a minor for the purpose of engaging, facilitating, encouraging, offering, or soliciting unlawful sexual conduct or sadomasochistic abuse. The Department of State Police is authorized to enforce these provisions even within the limits of an incorporated municipality which maintains its own police force.

Violators are subject to a fine not exceeding \$25,000 and/or imprisonment not exceeding 10 years. Subsequent violators are subject to a fine not exceeding \$50,000 and/or imprisonment not exceeding 20 years.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's penalty provisions. Revenues would not be affected.

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

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill's incarceration penalties due to more people being committed to a Division of Correction (DOC) facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than 12 months are incarcerated in a DOC facility. In fiscal

1997 the average monthly cost per inmate is estimated at \$1,400.

Persons serving a sentence of 12 months or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1997 are estimated to range from \$10 to \$48 per inmate depending upon the jurisdiction. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1997 is estimated at \$43 per inmate.

The State Police could enforce the provision of the bill in incorporated municipalities with existing resources.

Local Revenues: Revenues could increase under the bill's monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalties depending upon the number of convictions and sentences imposed. 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 \$19 to \$96 per inmate in fiscal 1997.

Information Source(s): Department of Fiscal Services

Fiscal Note History: First Reader - March 6, 1996
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