

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**  
**Revised**

House Bill 177 (Chairman, Judiciary Committee)

(Departmental - Department of State Police)

Judiciary

Referred to Judicial Proceedings

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**Crimes - Wireless Telephone Cloning**

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This amended departmental bill provides that a person may not knowingly possess a cloned “wireless telephone,” or a “reader.” A person is also prohibited from using a “wireless telephone.” Upon conviction, violators are guilty of a misdemeanor and are subject to a fine of not more than \$2,500 or imprisonment for not more than three years, or both.

The bill also provides that a person may not knowingly possess with intent to distribute, distribute, manufacture, or sell a cloned “wireless telephone” or a “reader.” Further, a person is prohibited from using a “reader.” Violators are guilty of a felony and subject to a fine of not more than \$10,000 or imprisonment for not more than five years, or both.

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**Fiscal Summary**

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

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

**Small Business Effect:** A small business impact statement was not provided by the Department of State Police in time for inclusion in this fiscal note. A revised fiscal note will be issued when the department’s assessment becomes available.

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## **Fiscal Analysis**

**State Revenues:** General fund revenues could increase under the bill's monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

**State Expenditures:** As this is a new crime, it is unknown how many people would be affected by its imposition. Currently, hundreds of electronic serial numbers are stolen from the air waves because there is nothing in the law to prohibit the reader devices. To the extent that this bill allows authorities to curtail these activities, general fund expenditures could increase as a result of the bill's incarceration penalties.

Persons serving a sentence longer than 12 months are incarcerated in a Division of Correction (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.

**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.

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

**Fiscal Note History:** First Reader - January 29, 1996  
ncs Revised - House Third Reader - March 22, 1996

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