

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

House Bill 986 (Delegate Harkins, *et al.*)  
Judiciary

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**Crimes - Unauthorized Use of Computers**

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This bill provides that a person may not intentionally, willfully, and without authorization access specified computer devices or systems to devise or execute a scheme with intent to defraud or obtain money, property, or a service by a false or fraudulent pretense, representation, or promise. A person is also prohibited from intentionally using specified computer devices or systems to commit any crime not specifically provided for in this bill. Further, the bill establishes a rebuttable presumption that a person was operating without authorization unless specified circumstances exist.

Persons convicted of accessing computer devices or systems to obtain property or services by false or fraudulent pretense, etc. where the items are valued at less than \$300 are guilty of a misdemeanor and must restore the property obtained, or pay the owner the value of the property or services. Violators are also subject to a fine of not more than \$100, imprisonment for not more than 18 months, or both. Prosecutions must be commenced within two years after the commission of the offense.

Persons convicted of accessing computer devices or systems to obtain property or services by false or fraudulent pretense, etc. where the items are valued at more than \$300 are guilty of a felony and must restore the property obtained to the owner or pay the owner the value of the property or services. Violators are also subject to a fine of not more than \$1,000, imprisonment for not more than 15 years, or both.

Persons convicted of using computer devices or systems to commit any other crime are guilty of a separate misdemeanor and, in addition to any other sentence imposed by virtue of the underlying crime, are subject to a fine not exceeding \$1,000, imprisonment not exceeding three years, or both.

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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. The bill would not directly affect small businesses.

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## **Fiscal Analysis**

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

**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. Fiscal Services has no data with which to determine how many additional prosecutions and commitments could result from this bill. However, any increase is assumed to be minimal.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year 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 1998 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998 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 \$23 to \$83 per inmate in fiscal 1998.

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**Information Source(s):** Department of Fiscal Services

**Fiscal Note History:** First Reader - March 3, 1997  
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