

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 778 (Delegate Rosenberg, *et al.*)
Judiciary

Referred to Judicial Proceedings

Crimes - Electronic Mail Misuse - Penalties

This amended bill establishes that the same prohibitions that currently apply to the misuse of telephones also apply to electronic mail. Violators are guilty of a misdemeanor and subject to a fine of up to \$500 and/or imprisonment of up to three years.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund revenues and expenditures stemming from applicable penalty provisions.

Local Effect: Potential indeterminate increase in revenues and expenditures stemming from applicable penalty provisions.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Revenues: General fund revenues could increase under the applicable current law monetary penalty provision 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 applicable incarceration penalty 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 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 applicable monetary penalty provision 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 applicable incarceration penalty 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.

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

Fiscal Note History: First Reader - March 3, 1997

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