

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 962 (Delegate Genn. *et al.*)

Judiciary

Crimes - Wiretapping and Electronic Surveillance - Intent

This bill lowers the degree of mental culpability required for the commission of the crime of interception, disclosure, or use of wire, oral, or electronic communication.

The applicable penalty provides that violators are guilty of a felony and subject to imprisonment of up to five years and/or a fine of up to \$10,000.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund expenditures due to the bill's penalty provisions. No effect on revenues.

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

Small Business Effect: Minimal.

Fiscal Analysis

State Expenditures: General fund expenditures could increase 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, 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 1999 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 1999 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 1999. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.]

Local Revenues: Cases for commission of this offense would be heard in circuit court. Therefore, local government revenues could increase under the bill's monetary penalty provision, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's 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 \$84 per inmate in fiscal 1999.

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

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