

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE**Revised**

Senate Bill 222 (Senators Hogan and Teitelbaum)

Judicial Proceedings

Crimes - Electronic Mail Misuse - Penalties

This bill prohibits a person from using electronic mail (e-mail) for a communication made with the intent to harass: (1) one or more persons; or (2) by sending lewd, lascivious, or obscene material. Violators are guilty of a misdemeanor and subject to a maximum fine of \$500 and/or maximum imprisonment of one year.

The bill specifies that it is not a violation of these provisions for e-mail providers to provide information, facilities, or technical assistance to federally or State authorized e-mail interceptions, communications, or surveillance, if presented with a court order. The bill also specifies that these provisions do not apply to any peaceable activity intended to express political views or provide information to others.

Fiscal Summary

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

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

Small Business Effect: None.

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: General fund expenditures could increase as a result of the bill's

incarceration penalty due to increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

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 Division of Correction (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: 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 penalty depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration 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 1999.

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

Fiscal Note History: First Reader - February 17, 1998
Incs Revised - Enrolled Bill - May 5, 1998

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