Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 808 (Delegate Cryor)
Judiciary

Crimes - Computers - Exceeding Authorized Access

This bill expands provisions relating to unauthorized access to computer devices or systems to include intentionally and willfully exceeding or attempting to exceed a person's authorized access to computer systems or services. Committing such an offense to cause malfunctions, interrupt operations, or to alter, damage, or destroy data or a computer program is also specifically prohibited. A person is also prohibited from intentionally, willfully, and without authorization creating or withholding an access code. Current law misdemeanor penalties applicable to unauthorized access and related offenses are applied. A three-year statute of limitations is applied to all unauthorized access offenses of this subsection.

This bill is effective June 1, 1998.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to application of existing penalty provisions. The effect of the three-year statute of limitations on possible prosecutions, convictions, and penalties is not readily predictable.

Local Effect: Potential minimal increase in revenues and expenditures due to application of existing penalty provisions.

Small Business Effect: Indeterminate. To the extent this bill might discourage unauthorized access to devices or systems and/or alleviate access code difficulties, large or small businesses in computer related fields could benefit. Such a potential benefit cannot be reliably quantified.

Fiscal Analysis

State Revenues: Violators of the provisions of the bill are guilty of a misdemeanor and subject to a fine of up to $1,000 and/or imprisonment of up to three years, or a fine of up to $5,000 and/or imprisonment of up to five years, depending on the provision violated. As a result, general fund revenues could increase under the applicable 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 applicable 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.

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: Revenues could increase under the applicable 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 applicable 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 $84 per inmate in fiscal 1999.

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

Fiscal Note History: First Reader - March 12, 1998
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