

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 100 (Chairman, Judiciary Committee)
(Departmental - State Police, Dept. of)

Judiciary

Crimes - Possession of Child Pornography - Penalties

This departmental bill changes the crime of possession of child pornography from a misdemeanor to a felony, and increases the accompanying maximum penalties from a fine of \$2,500 and/or imprisonment for 1 year to a fine of \$5,000 and/or imprisonment for 2 years. For subsequent offenses, the bill changes maximum penalties from a misdemeanor fine of \$5,000 and/or imprisonment for 2 years to maximum felony penalties of a fine of \$10,000 and/or imprisonment for 5 years.

Fiscal Summary

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

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

Small Business Effect: The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Fiscal Analysis

Background: Nine states, including Maryland, currently classify possession of child pornography as a misdemeanor.

State Revenues: General fund revenues could decrease minimally under the bill's increased

monetary penalty provisions because these cases would be more likely to be heard in the circuit courts.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's increased 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. It is expected that this bill alone will not create the need for new beds or construction of a new prison facility.

Persons serving a sentence longer than 1 year are incarcerated in a DOC facility. Currently, the average total cost per inmate is estimated at \$1,600 per month. However, if this legislation does not require new beds or additional facilities, the average variable cost of housing a new inmate (food, medical care, etc. but not costs for additional personnel or building maintenance) is \$275 per month.

Persons serving a sentence of 1 year or less in a jurisdiction other than Baltimore City 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 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally under the bill's monetary penalty provisions for those cases heard in the circuit courts. Changing this crime from a misdemeanor to a felony creates the likelihood that the trial would be held in the circuit courts as a jury trial.

Local Expenditures: Expenditures could increase minimally as a result of the bill's increased incarceration penalties. 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 \$15 to \$80 per inmate in fiscal 2000.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader - February 2, 1999

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