

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE  
Revised

House Bill 745 (Delegate Franchot. *et al.*)

Judiciary

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Commerce - Electronic Mail Falsification - Prohibition of Unsolicited Bulk Mail

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This bill prohibits a person from intentionally, willfully, or without authorization: (1) falsifying electronic mail, mail header information, or other Internet routing information to send unsolicited bulk electronic mail through or into a service provider or subscriber; or (2) distributing or possessing software to facilitate or enable such a falsification with knowledge of that illegal intent. Violators are guilty of a misdemeanor and subject to current law maximum penalties of a fine of \$500 and/or imprisonment for one year.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the applicable penalty provisions.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the applicable penalty provisions.

**Small Business Effect:** None.

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Fiscal Analysis

**State Revenues:** General fund revenues could increase minimally as a result of the applicable monetary criminal penalty provisions from cases heard in the District Court.

**State Expenditures:** General fund expenditures could increase minimally as a result of the applicable incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one 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

incarceration costs, on a per diem basis, 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. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

**Local Revenues:** Revenues could increase minimally as a result of the applicable monetary penalty provisions from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase as a result of the applicable incarceration penalty. 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 \$15 to \$80 per inmate in fiscal 2000.

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

**Fiscal Note History:**

First Reader - March 7, 1999

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