

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1001 (Delegate Hecht. *et al.*)

Judiciary

Crimes - Child Sexual Offenses - Travel

This bill prohibits a person from traveling or conspiring to travel for the purpose of engaging in prohibited sexual activities with an individual under 18 years old.

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Bill Summary: This bill prohibits a person from traveling or conspiring to travel for the purpose of engaging in prohibited sexual activities with an individual under 18 years old. Violators are guilty of a misdemeanor and subject to maximum penalties of a fine of \$3,000 and/or imprisonment for three years. Trials of persons charged under these provisions are authorized in the county where the travel began, continued, or ended, or in the county where the prohibited sexual activity occurred. The bill allows consecutive or concurrent sentencing for violations based on the underlying criminal act.

In addition, the bill authorizes an investigative or law enforcement officer, or specified persons acting at the prior direction and under the supervision of such an officer in a criminal

investigation, to intercept a wire, oral, or electronic communication in order to provide evidence of the commission of offenses relating to the prohibitions established under this bill.

The provisions of this bill are severable.

Current Law: None applicable to travel to commit such an offense. Interception of such communications are lawful in order to provide evidence of a variety of specified crimes, including murder, kidnapping, rape, and fraudulent insurance acts, and in certain hostage situations. Chapter 524 of 1998 added child pornography to this list of offenses.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally 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. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 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 \$260 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. 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 2001 are estimated to range from \$11 to \$54 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State operated facility, is used primarily for pretrial detentions.

The extent to which this bill could result in additional "wire taps" or other interceptions of communications is unknown. Likewise, the extent that such information legally obtained could result in a greater number of criminal convictions relating to such offenses is unknown.

In any event, this bill is not expected to significantly affect State operations or finances.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. 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 \$22 to \$83 per inmate in fiscal 2001.

The extent to which this bill could result in additional “wire taps” or other interceptions of communications is unknown. Likewise, the extent that such information legally obtained could result in a greater number of criminal convictions relating to such offenses is also unknown. In any event, this bill is not expected to significantly affect local governmental operations or finances.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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cm/jr

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