

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 584 (Delegate Vallario. *et al.*)

Judiciary

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**Child Pornography - Electronic Communication With a Minor**

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This bill prohibits communication with a minor (or someone believed to be a minor) by computer to engage in sexually explicit conversation to seduce, solicit, lure, or entice the minor to engage in any sexual conduct, sexual excitement, or sadomasochistic abuse. Violators are guilty of a felony and, for a first offense, subject to maximum penalties of a fine of \$25,000 and/or imprisonment for ten years. Subsequent violations subject the offender to maximum penalties of a fine of \$50,000 and/or imprisonment for 20 years.

The bill also specifies where prosecutions, indictments, trials, and convictions of such cases may take place.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provision. Revenues would not be affected.

**Local Effect:** Potential minimal increase in revenues due to the bill's monetary penalty provision. Expenditures would not be affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The existing prohibition against using a computer for illegally “engaging, facilitating, encouraging, offering, or soliciting” a minor refers only to unlawful sexual conduct or sadomasochistic abuse, and does not include circumstances involving “someone believed to be a minor.”

**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. 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.

**Local Revenues:** Revenues could increase minimally as a result of the bill’s monetary penalty provision since these cases would be heard in the circuit courts.

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### **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

**Fiscal Note History:** First Reader - March 9, 2000  
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