

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 202 (Chairman, Judiciary Committee and Delegate Pitkin)
 (Departmental – State Police)

Judiciary

Child Pornography - Electronic Communication With a Minor

This departmental 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.

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 are not expected to be affected.

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.

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 \$288 per month.

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

Additional Information

Prior Introductions: An identical bill (HB 584) was introduced during the 2000 session and received an unfavorable report from the House Judiciary Committee.

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 – January 24, 2001
jm/jr

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