

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 465
Judiciary

(Delegates Malone and Moe)

Public School Premises - Prohibition of Accessing Obscene Materials by
Computer

This bill prohibits adults from accessing obscene materials through the Internet or another interactive computer service while on public school premises. Storing or possessing print copies of obscene materials is also prohibited on public school property. Violators are guilty of a misdemeanor and on conviction subject to a fine of up to \$2,500 or imprisonment up to six months, or both.

Fiscal Summary

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

Local Effect: Local boards of education could establish policies to implement the bill with existing resources. Potential minimal increase in expenditures due to the bill's incarceration penalty provision.

Small Business Effect: Minimal.

Analysis

Current Law: Adults are not prohibited from accessing, storing, or possessing obscene materials on school property. Local school systems may have regulations governing access to obscene materials through the Internet while on school property.

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 as a result of the bill's 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 2002 are estimated to range from \$9 to \$52 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 \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month.

Local Expenditures: Expenditures could increase as a result of the bill's 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 \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader – February 27, 2001
cm/hlb

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