

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE

House Bill 22 (Delegate Boschert)
 Commerce and Government Matters

Office of the Attorney General - Pornography Complaints Ombudsman

This bill creates the position of Pornography Complaints Ombudsman within the Office of the Attorney General.

The bill is effective July 1, 2003.

Fiscal Summary

State Effect: General fund expenditures could increase by \$143,600 in FY 2004, reflecting the bill's July 1, 2003 effective date. Out-year projections reflect annualization and inflation.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	143,600	141,100	147,000	153,600
Net Effect	\$0	(\$143,600)	(\$141,100)	(\$147,000)	(\$153,600)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Any effect on local government enforcement activities would not materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the Attorney General to employ an Ombudsman who is a practicing attorney with knowledge of pornography law and preferably a background or

expertise in investigating and prosecuting pornography law violations. The bill defines pornography as material or a performance that is: (1) obscene; and (2) used in a violation of the State's obscenity laws.

The bill specifies the duties of the Ombudsman, including advising citizens and local governments about addressing pornography, advising local governments about ways to strengthen local pornography laws, assisting in prosecutions of pornography law violations, arbitrating complaints about pornography, and providing specified information to citizens and other interested parties. The bill requires the Ombudsman to establish a program to combat Internet pornography and to assist parents in protecting children from Internet pornography

The bill requires the Ombudsman, in consultation with the State's Attorneys' offices, to report to the General Assembly by December 31, 2003 on recommended changes to strengthen the State's obscenity and pornography laws.

Current Law: The Attorney General may employ a staff in accordance with the State budget. Staff members, including deputy attorneys general and assistant attorneys general, are deemed special appointments and serve at the pleasure of the Attorney General. In addition, the Consumer Protection Division and the Electronic Transaction Education, Advocacy, and Mediation Unit have been established by statute within the Office of the Attorney General.

Background: Utah enacted a similar provision in 2000.

State Expenditures: General fund expenditures could increase by an estimated \$143,600 in fiscal 2004, which accounts for the bill's July 1, 2003 effective date. This estimate reflects the cost of hiring one assistant attorney general to act as Pornography Complaints Ombudsman and one legal secretary to support the Office of the Ombudsman. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$122,200
Other Operating Expenses	<u>21,400</u>
Total FY 2004 State Expenditures	\$143,600

Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Office of the Attorney General,
Department of Legislative Services

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