

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 231

(Senator Jacobs, *et al.*)

Judicial Proceedings

Judiciary

Harford County and Cecil County - Bookstores and Entertainment Venues -
Minors

This bill requires, in Cecil and Harford counties, the operator of a bookstore or entertainment venue in which an item or activity that displays obscene material or exhibits activities of a sexually explicit nature to require each individual entering the premises to display a driver's license or an identification card that substantiates the individual's age. An operator may not knowingly allow a minor to remain on the premises. The requirement applies to a bookstore or entertainment venue in which obscene items or sexually explicit activities constitute the majority of the items or activities offered for sale or rent by the establishment. Any person who violates these provisions is guilty of a misdemeanor and upon conviction is subject to imprisonment up to six months and/or a fine up to \$1,000.

Fiscal Summary

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

Local Effect: Potential minimal increase in Cecil and Harford counties' expenditures due to the bill's incarceration provisions. Revenues would not be affected.

Small Business Effect: Minimal.

Analysis

Current Law: A person may not knowingly sell or offer to sell to a minor a picture, photograph, drawing, sculpture, motion picture, film, book, magazine, paperback, pamphlet, sound recording, or any other written or printed visual representation that depicts, displays, or describes sexually explicit material. A person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to imprisonment up to six months and/or a fine up to \$1,000.

A person may not knowingly admit a minor, exhibit to a minor, or sell to a minor a means of entrance to any motion picture or animated or live presentation that depicts or describes sexually explicit acts. A person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to imprisonment up to six months and/or a fine up to \$1,000.

There is no requirement in Cecil or Harford counties that a person who operates a bookstore or entertainment venue in which sexually explicit material is depicted, displayed, or described to require each individual upon entering the premises to display a driver's license or identification card that substantiates the individual's age.

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 due to increased payments to Cecil and Harford counties for reimbursement of inmate costs. The number of people convicted of this 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 2005 are estimated to be \$20 in Cecil County and \$58 in Harford County.

Local Expenditures: Cecil and Harford counties' expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in local detention 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 \$80 in Cecil County and \$68 in Harford County per inmate in fiscal 2005. The number of people convicted of this crime is expected to be minimal. Enforcement of the bill's provisions could be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Harford County, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2004
ncs/jr Revised - Senate Third Reader - March 26, 2004
Revised - Enrolled Bill - May 6, 2004

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