

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 344
Judiciary

(Delegate Kipke, *et al.*)

Crimes - On-Line Harassment

This bill expands the scope of the existing prohibition against using electronic mail with the intent to harass by including the making of an Internet transmission or posting under the prohibition. The bill also repeals a provision prohibiting the use of electronic mail with the intent to harass in a more limited manner than the general provision.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the current law applicable penalty provisions.

Local Effect: Minimal increase in local revenues and expenditures due to the current law applicable penalty provisions.

Small Business Effect: None.

Analysis

Current Law: The current prohibition against using electronic mail with the intent to harass subjects a violator to maximum misdemeanor penalties of imprisonment for one year and/or a fine of \$500. The prohibition does not apply to a peaceable activity intended to express a political view or provide information to others.

Background: The bill addresses concerns relating to so-called “cyber-harassment.” It expands the scope of Maryland’s current prohibitions against stalking and harassment to apply to chat rooms or postings to web pages such as *myspace.com*.

State Revenues: General fund revenues could increase minimally as a result of the applicable monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the applicable 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.

Generally, 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 2009 are estimated to range from \$19 to \$71 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 \$2,600 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 \$526 per month. Excluding medical care, the average variable costs total \$148 per month.

Local Revenues: Revenues could increase minimally as a result of the applicable monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase as a result of the applicable 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 \$40 to \$129 per inmate in fiscal 2009.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Department of Public Safety and Correctional Services, Department of Legislative Services

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mcp/jr

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