

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 17  
Judiciary

(Delegate Cardin)

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Criminal Law - Misuse of Interactive Computer Service

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This bill expands the application of existing statutory prohibitions on the use of an interactive computer service to maliciously engage in a specified course of conduct against a *minor* to apply to another person, *regardless of the other person's age*.

Under the bill, a person may not use an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on *another person* or places *another person* in reasonable fear of death or serious bodily injury with the intent (1) to kill, injure, harass, or cause serious emotional distress to the *other person* or (2) to place the *other person* in reasonable fear of death or serious bodily injury. Violators are guilty of a misdemeanor, punishable by imprisonment for up to one year and/or a \$500 maximum fine.

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Fiscal Summary

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

**Local Effect:** Minimal increase in local expenditures due to the incarceration penalty applicable to the bill. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:** Pursuant to Chapter 369 of 2013 (“Grace’s Law”), which took effect October 1, 2013, a person may not use an “interactive computer service” to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the

intent (1) to kill, injure, harass, or cause serious emotional distress to the minor or (2) to place the minor in reasonable fear of death or serious bodily injury. Violators are guilty of a misdemeanor, punishable by imprisonment for up to one year and/or a \$500 maximum fine.

An “interactive computer service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

Chapter 369 is named in honor of Grace McComas, a 15-year-old from Howard County who, after repeated and vicious harassment online by a neighbor, committed suicide in April 2012.

A person also may not maliciously engage in a course of conduct, through the use of electronic communication that alarms or seriously annoys another (1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose. “Electronic communication” means the transmission of information, data, or a communication by the use of a computer or other electronic means that is sent to a person and that is received by the person. The prohibition does not apply to a peaceable activity intended to express a political view or provide information to others, and there are additional exceptions related to court orders for electronic surveillance. Violators are guilty of a misdemeanor and subject to maximum penalties of one-year imprisonment and/or a \$500 fine.

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

**State Expenditures:** General fund expenditures increase minimally as a result of the incarceration penalty applicable to the bill due to more people being committed to State correctional facilities for convictions in Baltimore City.

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 Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**Local Expenditures:** Expenditures increase as a result of the incarceration penalty applicable to the bill. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - January 24, 2014  
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