

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 480
Judiciary

(Delegates Rosenberg and Anderson)

Criminal Law - Harassment - Misuse of Interactive Computer Service

This bill expands the prohibition on misuse of an electronic communication or interactive computer service by prohibiting a person, acting either individually or as part of a group, from using an interactive computer service to maliciously engage in a course of conduct that places another in reasonable fear of death or serious bodily injury with the intent (1) to kill, injure, or harass the other or (2) to place the other 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, which is the existing penalty for misuse of an electronic communication or interactive computer service.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's expanded application of existing penalty provisions.

Local Effect: Potential minimal increase in local revenues from fines imposed in the circuit courts. Minimal increase in local expenditures due to the bill's expanded application of an existing incarceration penalty.

Small Business Effect: None.

Analysis

Current Law: “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.

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.

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.

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. 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, punishable by imprisonment for up to one year and/or a \$500 maximum fine.

State Revenues: General fund revenues increase minimally as a result of the bill’s expanded application of an existing monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill’s expanded application of an existing incarceration penalty due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of people convicted of the expansion of this 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 Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues may increase minimally as a result of the bill’s expanded application of an existing monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures increase as a result of the bill's expanded application of an existing incarceration penalty. 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); Office of the Public Defender; State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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mm/kdm

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