

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 1039 (Delegate Getty)  
Judiciary

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Courts - Fees - Crime Laboratory User Fee

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This bill requires a clerk of the District Court or a circuit court to impose a crime laboratory user fee on criminal defendants who are found guilty, enter a plea of *nolo contendere*, or are given probation before judgment. This fee must be imposed in addition to other legally required fees.

The fees collected by the clerks of court must be paid to the State Comptroller. The Comptroller must use this revenue to pay laboratory use fees to the Crime Laboratory Division of the State Police and local crime laboratories. The State Police is required to establish a standard fee schedule for crime laboratory services.

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Fiscal Summary

**State Effect:** General fund expenditures would increase by \$10,000 in FY 1998 only and decrease by an indeterminate amount annually; general fund revenues could be affected as discussed below.

**Local Effect:** Indeterminate effect on revenues and expenditures as discussed below.

**Small Business Effect:** Minimal effect on small businesses as discussed below.

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Fiscal Analysis

**Background:** There are eight State or local crime laboratories in the State: (1) State Police; (2) Baltimore City; (3) Baltimore County; (4) Anne Arundel County; (5) Prince George's County; (6) Montgomery County; (7) Hagerstown; and (8) Ocean City. In calendar 1995, the State Police performed laboratory tests for approximately 13,600 cases, excluding photographs. The largest category for tests involved drug cases (8,000). In Baltimore City,

there are approximately 30,000 drug cases annually requiring a local crime laboratory test. The State Police perform DNA testing for Baltimore City

**State Revenues:** It is assumed that the fee schedule set by the State Police would be applicable for State and local crime laboratories. Therefore, it is also assumed that the State Police would have to develop a standard fee schedule in a manner that would recover the costs of performing tests in all of the eight crime laboratories in the State. It is unknown whether the fees would be set on a flat rate basis (representing an average cost for all tests), or whether the fee schedule would actually reflect the individual costs for each test.

Excluding personnel and equipment costs, the general fund expenditures of the State Police for crime laboratory supplies in recent years has been: (1) \$193,927 in fiscal 1994; (2) \$303,648 in fiscal 1995; and (3) \$312,867 in fiscal 1996. For fiscal 1997, the budgeted amount for supplies was \$563,200. Since it is unclear as to whether the intent of the bill is to recover all costs associated with testing (including personnel and equipment costs), it is difficult to estimate even a flat rate for these tests. If a cost recovery formula is applied to the costs of supplies alone, the fee for each test could be set at approximately \$50.

However, there are several factors that influence the actual collection of all such fees: (1) the fact that the courts are generally authorized to waive fees; (2) the collection of the fees is a relatively low priority for the courts; (3) delinquent fee payments turned over to the Central Collections Unit of the Department of Budget and Management have a collection cost of 2%; and (4) for circuit court cases, the State receives a 3-5% draw on such collections which goes to the general fund. In addition, the actual collection rate for fees assessed on defendants found guilty can be less than 10% annually. Accordingly, any additional general fund revenue resulting from this bill cannot be reliably estimated.

**State Expenditures:** This bill would require modifications of computerized and manual accounting systems for the District Court at a one-time cost of approximately \$10,000 in fiscal 1998. In addition, the State Police report that, if a detailed and itemized billing system is employed, the State Police would need an additional Billing Clerk and operating expenses at a cost of approximately \$24,000 annually.

However, it should also be noted that revenue stemming from this bill could supplant or reduce the need for annual general fund appropriations to cover the cost of operating the State Police crime laboratory. The State Police would then experience some cost savings as revenue from the fee is distributed to their crime laboratory by the Comptroller. The extent of such a savings cannot be reliably estimated at this time.

**Local Revenues:** Since the bill directs the Comptroller to use the revenues generated by this

bill to pay laboratory user fees to crime laboratories, this bill would generate additional revenue to the local jurisdictions cited above that have crime laboratories. However, it is difficult to reliably estimate that revenue absent the development of the fee schedule.

**Local Expenditures:** It is assumed that the circuit courts could incur some additional accounting system modification costs similar to the District Court. Such costs cannot be reliably quantified for any individual circuit court or the circuit courts statewide at this time. However, any local jurisdiction operating a crime laboratory could also experience some cost savings as revenue from the fee is distributed by the Comptroller. The extent of that savings would depend upon the amount of the fees actually collected and redistributed to each crime laboratory.

**Small Business Effect:** To the extent that software modification contracts from the courts are awarded to small businesses, those small businesses would benefit. It is not known whether such a benefit could be meaningful to an individual contractor. However, it is assumed to be minimal.

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**Information Source(s):** Judiciary (District Court), Department of State Police, Secretary of State, Baltimore City, Frederick County, Department of Fiscal Services

**Fiscal Note History:** First Reader - March 3, 1997  
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