

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

Senate Bill 633 (Senator Van Hollen)
 Judicial Proceedings

Criminal Sentencing - Annual Reporting by State Commission on Criminal Sentencing Policy - Crimes of Violence

This bill requires the State Commission on Criminal Sentencing Policy to annually report to the General Assembly on each circuit court judge's compliance with the sentencing guidelines for convictions of crimes of violence. This information is required to be a part of an existing annual report produced by the commission on State sentencing policies and practices.

Fiscal Summary

State Effect: General fund expenditure increase of \$75,600 in FY 2002 for the Commission on Criminal Sentencing Policy. Out-year costs reflect annualization and inflation.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	75,600	98,300	103,000	107,900	113,200
Net Effect	(\$75,600)	(\$98,300)	(\$103,000)	(\$107,900)	(\$113,200)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State Commission on Criminal Sentencing Policy is required to annually review sentencing policy and practice generally and, by December 1 of each year, report to the General Assembly on any changes made to the sentencing guidelines during the previous year. The commission also is required to report judicial compliance with the sentencing guidelines, listed by crime and by judicial circuit.

Background: “Crime of violence” includes the following crimes: abduction; first degree arson; kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming; murder; rape; robbery; carjacking or armed carjacking; first degree sexual offense; second degree sexual offense; the use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the previously listed offenses; first degree assault; assault with intent to murder; assault with intent to rape; assault with intent to rob; assault with intent to commit a first degree sexual offense; and assault with intent to commit a second degree sexual offense.

State Expenditures: The commission’s current reporting requirement is fulfilled via the generation of a report of only a few pages. Under this bill, the commission’s annual report could be as large as 500-600 pages, as it would provide data on the State’s 140 circuit court judges and convictions for all violent crimes. The commission does not now document sentencing guideline compliance data by judge.

Accordingly, general fund expenditures could increase by an estimated \$75,620 in fiscal 2002, which accounts for the bill’s October 1, 2001 effective date. This estimate reflects the cost of two clerical positions to liaison with individual circuit court judges for guideline worksheet submissions, follow-up on errors/omissions on guideline worksheets, and produce and disseminate the report. It includes salaries, fringe benefits, printing costs, and postage.

Salaries and Fringe Benefits	\$58,425
Printing and Postage	17,000
Other Operating Expenses	<u>195</u>
Total FY 2002 State Expenditures	\$75,620

Future year expenditures reflect: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) annual printing and postage costs remaining constant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Commission on Criminal Sentencing Policy, Department of Legislative Services

Fiscal Note History: First Reader – March 5, 2001
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