

**Department of Legislative Services**  
 Maryland General Assembly  
 2013 Session

**FISCAL AND POLICY NOTE**

House Bill 186 (Delegate McDermott)  
 Judiciary

**Courts and Judicial Proceedings - Fees for Traffic and Criminal Convictions -  
 Law Enforcement Training and Technology Fund**

This bill creates a Law Enforcement Training and Technology Fund in the Governor’s Office of Crime Control and Prevention (GOCCP) to assist local law enforcement agencies in paying for training and “technology” costs. The revenue sources for the new fund use an additional \$5 surcharge on specified traffic cases and a \$5 increase on certain court costs related to specified motor vehicle offenses.

**Fiscal Summary**

**State Effect:** Special fund revenues from additional surcharges and court costs increase by \$2.3 million in FY 2014 and \$3.1 million annually thereafter. Special fund expenditures increase correspondingly as grants to local law enforcement agencies are made. General fund expenditures increase by \$48,000 in FY 2014 only for computer programming changes. General fund revenues increase minimally from investment earnings on the new fund.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
GF Revenue	-	-	-	-	-
SF Revenue	\$2,338,200	\$3,117,600	\$3,117,600	\$3,117,600	\$3,117,600
GF Expenditure	\$48,000	\$0	\$0	\$0	\$0
SF Expenditure	\$2,338,200	\$3,117,600	\$3,117,600	\$3,117,600	\$3,117,600
Net Effect	(\$47,900)	\$0	\$0	\$0	\$0

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

**Local Effect:** Local grant revenues from the new fund total \$2.3 million in FY 2014 and \$3.1 million annually thereafter.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The fund consists of:

- an additional surcharge of \$5 to court costs in certain jailable and nonjailable traffic cases in the District Court, excluding red light camera infractions, speed camera infractions, work zone violations, and parking or impounding cases;
- \$5 from costs imposed on a defendant convicted of a nonjailable motor vehicle offense in the District Court or a circuit court (by increasing the current cost from \$3 to \$8); and
- money appropriated to the fund in the State budget.

Because the bill does not address interest earnings of the fund that may accrue, all potential interest earnings accrue to the general fund.

The bill also adjusts deposits to the Criminal Injuries Compensation Fund (CICF) and the State Victims of Crime Fund (SVCF) so that deposits and distributions to those funds do not come from the bill's additional \$5 in court costs imposed on a defendant convicted of certain motor vehicle offenses in the District Court.

The fund is required to be administered by the Executive Director of GOCCP. The executive director must distribute money from the fund to local law enforcement agencies annually on a per capita basis based on the number of full-time sworn law enforcement personnel. Each local law enforcement agency must submit to the executive director proof of expenditures made using money distributed to the law enforcement agency under the bill.

By September 1 of each year, the executive director must report to the Governor and the General Assembly on the distribution of money under the bill.

The bill defines "technology" as equipment used to increase law enforcement officer efficiency and minimize the time law enforcement officers spend working in an office, including mobile data terminals, in-car cameras, e-ticket equipment, cellular communications, and secure wireless Internet hotspots.

**Current Law:** For certain jailable and nonjailable traffic offenses in the District Court, court costs of \$22.50 plus a \$7.50 surcharge are imposed. If the defendant is convicted of a jailable traffic offense in the District Court, an additional \$35 in courts costs is imposed. If the defendant is convicted of a nonjailable traffic offense in the District Court, an additional court cost of \$3 is imposed.

For jailable traffic offenses in a circuit court, court costs of \$80 are imposed by court rule. If the defendant is convicted of a jailable traffic offense, additional court costs of \$45 are imposed. If the defendant is convicted of a nonjailable traffic offense in a circuit court, an additional court cost of \$3 is imposed.

The Comptroller deposits \$22.50 from each fee collected in circuit court and \$12.50 from each fee collected in District Court (excluding fees from motor vehicle cases that are not punishable by imprisonment) into SVCF, a special fund used for carrying out statutory guidelines for treatment and assistance to victims of crime and delinquent acts. The State Board of Victims Services in GOCCP is responsible for administering SVCF.

The Comptroller deposits \$2.50 from each fee collected in circuit court and the District Court (excluding fees from motor vehicle cases that are not punishable by imprisonment) to the Victim and Witness Protection and Relocation Fund. This special fund, which is administered by the States' Attorneys' coordinator, is used to carry out the Victim and Witness Protection and Relocation Program.

All other monies from these fees are deposited into CICF, a special fund within the Department of Public Safety and Correctional Services (DPSCS), that provides financial assistance for innocent victims of crime. The fund is administered by the Criminal Injuries Compensation Board.

CICF and SVCF share the first \$500,000 attained from the \$3 assessed in the District Court for motor vehicle cases that are not punishable by imprisonment. After the \$500,000 threshold is reached and each fund has acquired \$250,000, CICF receives the remainder of funding from these fees.

The Law Enforcement Equipment Fund within GOCCP was created by Chapter 603 of 2001 (SB 453) to assist local law enforcement agencies in acquiring equipment needed to address violent crime. The fund consists of money appropriated in the State budget. Local law enforcement agencies applying for aid from the fund must provide specified information to GOCCP. Jurisdictions with the highest incidence of violent crime must be given funding priority. Aid distributed from the fund must be based on the comparative equipment needs of each local law enforcement agency, and used to supplement, not supplant, other local law enforcement funding. Local law enforcement agencies are required to submit proof of appropriate equipment expenditures. GOCCP is required to report annually, by September 1, on distribution of aid from the fund.

The term "law enforcement equipment" means equipment used for law enforcement purposes and includes body armor, crime tracking technology, photo imaging equipment, surveillance devices, weapons, ammunition, and communication devices.

The most recent annual report on this fund by GOCCP advises that this fund has never had any monies allocated to it. As a result, no grants from the fund have ever been made.

**Background:** Maryland's counties and municipalities receive grants for police protection through the police aid formula. The police aid formula allocates funds on a per capita basis, and jurisdictions with a higher population density receive greater per capita grants. Municipalities receive additional grants based on the number of sworn officers. The Department of State Police recovers 30% of the State crime laboratories costs relating to evidence-testing services from each county's formula allocation. Due to declining State revenues, the fiscal 2010 appropriation for police aid was reduced from \$66.0 million to \$45.4 million by the Board of Public Works in August 2009. The Budget Reconciliation and Financing Act of 2010 (Chapter 484, SB 141) limited the amount a local government may receive through the police aid formula in both fiscal 2011 and 2012 to the amount the jurisdiction received in fiscal 2010. In fiscal 2013, police aid remains at the \$45.4 million level. In the Governor's proposed fiscal 2014 budget, police aid returns to a fully funded level of \$67.3 million.

**State Revenues:** According to the District Court of Maryland, the new surcharge and court costs applied to traffic cases under the bill apply to the same cases as the Volunteer Company Assistant Fund (VCAF). In fiscal 2012, VCAF deposits were collected in 623,526 traffic cases. Based on this number of cases, and the fact that the number of total traffic offense cases has remained relatively flat in recent years, the amount of revenue generated under the bill for the new special fund is estimated at \$3,117,630 annually. Due to the bill's October 1, 2013 effective date, the total amount distributed to the new fund in fiscal 2014 is estimated at about \$2.3 million. Special fund revenues increase further to the extent any funds are appropriated to the fund in the State budget.

General fund revenues increase minimally as a result of investment earnings on the new fund.

### **State Expenditures:**

#### *Governor's Office of Crime Control and Prevention*

Under the bill, management and administration of the new special fund fall to GOCCP, without any draw on the special fund to offset operations by GOCCP. Nonetheless, GOCCP advises that its responsibilities under the bill could be handled with existing budgeted personnel and other resources.

However, because the bill is somewhat unclear as to how distributions of the annual special fund revenue of \$3.1 million to local police agencies is to be made, GOCCP has to design an acceptable distribution formula. It is likely that such a formula would be

similar to current police aid distributions (discussed above). In any event, actual distributions to counties and/or municipalities will vary depending on the formula established; the formula must account for both population and numbers of sworn officers. Because the actual formula to be used is unknown, a specific resulting distribution cannot be reliably estimated at this time. However, for purposes of this fiscal and policy note, it is assumed that expenditures from the new fund correspond to annual revenues, or \$2.3 million in fiscal 2014 and \$3.1 million annually thereafter.

### *Programming Expenditures*

General fund expenditures increase by \$47,945 in fiscal 2014 only for the Judiciary to make necessary programming changes. If other legislation is passed requiring computer reprogramming changes, economies of scale could be realized, thereby reducing the costs associated with this bill and other legislation affecting the Judiciary. The Judiciary also advises that the bill's increases in court costs and surcharges would necessitate a change to the Maryland Uniform Complaint and Citation books. New books are printed at an approximate cost of \$110,250 for distribution by the Motor Vehicle Administration. However, the Department of Legislative Services notes that this book is updated annually to reflect all legislative changes. Therefore, it is assumed that printing costs can be handled with existing budgeted resources.

**Local Revenues:** Local revenues increase by \$2.3 million in fiscal 2014 and by \$3.1 million annually thereafter. As noted above, a reliable estimate of the distribution of revenue across local jurisdictions cannot be made. *For purposes of illustration only*, if GOCCP makes distributions to the counties based on population, with the counties making distributions to the municipalities according to the number of sworn officers each has in relation to the total number of county sworn officers (or according to the total number of police protection expenditures in relation to the total county police protection expenditures), annual distributions to the counties under the bill approximate that shown in **Exhibit 1**.

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**Exhibit 1**  
**Per Capita Distribution**

<u>County</u>	<u>Population</u>	<u>Population Distribution</u>	<u>County Share</u>
Allegany	74,692	1.28%	\$39,727.82
Anne Arundel	544,403	9.34%	289,561.70
Baltimore City	619,493	10.63%	329,501.21
Baltimore	809,941	13.90%	430,798.32
Calvert	89,256	1.53%	47,474.24
Caroline	32,985	0.57%	17,544.34
Carroll	167,288	2.87%	88,978.57
Cecil	101,694	1.74%	54,089.87
Charles	149,130	2.56%	79,320.53
Dorchester	32,640	0.56%	17,360.84
Frederick	236,745	4.06%	125,921.95
Garrett	30,051	0.52%	15,983.78
Harford	246,489	4.23%	131,104.67
Howard	293,142	5.03%	155,918.86
Kent	20,204	0.35%	10,746.28
Montgomery	989,794	16.98%	526,460.06
Prince George's	871,233	14.95%	463,398.83
Queen Anne's	48,354	0.83%	25,718.94
St. Mary's	107,484	1.84%	57,169.51
Somerset	26,339	0.45%	14,009.41
Talbot	38,025	0.65%	20,225.06
Washington	148,203	2.54%	78,827.47
Wicomico	99,190	1.70%	52,758.02
Worcester	51,514	0.88%	27,399.71
<b>Total</b>	<b>5,828,289</b>	<b>100.00%</b>	<b>\$3,100,000.00</b>

Note: County share based on a statewide total of \$3.1 million, even though our annual estimate is slightly higher than that amount.

Source: Governor's Office of Crime Control and Prevention

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery, Washington, and Worcester counties; City of Rockville; Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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