

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 892

(Baltimore County Delegation)(By Request - Baltimore
County Administration)

Judiciary

**Baltimore County - Civil Actions - Subpoena for Police Officer - Liability of
Party for Reimbursement of Cost**

This bill requires a party who requests the issuance of a subpoena in a civil action to compel the attendance of a police officer employed by the Baltimore County Police Department to reimburse the police department for the cost of the police officer's salary and travel expenses to attend court. The bill does not apply to protective order proceedings under Title 4, Subtitle 5 of the Family Law Article.

When the subpoena is served, a \$250 deposit payable to the Baltimore County Director of Finance must be tendered to the person accepting service. The deposit must be transmitted promptly to the Director of Finance, who must hold the amount in escrow for the benefit of the police department. A police officer who is served with a subpoena is not required to attend court unless the deposit has been paid.

Fiscal Summary

State Effect: None. The Judiciary can handle the bill's requirements with existing resources.

Local Effect: Minimal decrease in local expenditures in Baltimore County if the county is reimbursed for salary and travel expenses for police officers to appear in court in response to a subpoena in a civil action.

Small Business Effect: Minimal impact on small businesses who request a subpoena subject to the bill's provisions.

Analysis

Bill Summary: The proof of service of the subpoena filed with the court must be accompanied by proof that the deposit was paid.

If the amount of the actual expenses associated with the officer's appearance in court exceeds the amount deposited, the Director of Finance must send an invoice for the amount due to the party who requested the issuance of the subpoena, and the party is liable to the police department for the difference. If the amount of the actual expenses associated with the officer's appearance in court is less than the amount deposited, the Director of Finance must refund the difference to the party who requested the issuance of the subpoena.

Current Law: There are no similar provisions in State law.

State Fiscal Effect: The Judiciary advises that it does not anticipate a significant fiscal or operational impact on the trial courts in Baltimore County resulting from the bill.

Local Fiscal Effect: Local expenditures in Baltimore County decrease minimally to the extent that the county is reimbursed for salary and travel expenses for police officers who have to appear in court in response to a subpoena in a civil case.

According to Baltimore County, 149 civil subpoenas were served on officers in the Baltimore County Police Department between January 2014 and January 2015. The county advises that the time an officer spends in court may depend on how the docket is structured that day and when the officer's case is called. Also, officers who must appear in court on their day off are paid for a minimum number of hours, regardless of the time they actually spend in court.

A Baltimore County Police Department officer at a midlevel step in pay grade 8P earns approximately \$30 per hour. Assuming that 150 subpoenas are served on officers each year and officers spend an average of three hours in court per appearance, \$13,500 in expenses is reimbursed to the county, excluding travel expenses.

This estimate does not account for any administrative expenses incurred by the county in tracking deposits, expenses, and payments under the bill.

Additional Information

Prior Introductions: None.

Cross File: Although SB 329 (Senator Klausmeier)(By Request - Baltimore County Administration - Judicial Proceedings) is designated as a cross file, it is different.

Information Source(s): Baltimore County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2015
min/kdm

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