

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 413
Judiciary

(Delegate Wells)

Judges - Implicit Bias - Testing, Training, and Evaluation

This bill requires each appellate, circuit court, and District Court judge to (1) undergo a test for implicit bias as early as is practicable after assuming office; (2) receive training to address implicit bias; and (3) undergo an evaluation to measure the results of the required training. The State Court Administrator must ensure that anonymized data on all required tests and evaluations be made publicly available on a website or by request.

Fiscal Summary

State Effect: The bill is not anticipated to materially impact the expenditures of the Judiciary, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Although judicial training requirements are not addressed in statute, a 2016 Administrative Order from Chief Judge Mary Ellen Barbera generally specifies training requirements for judges, including 12 hours of continuing judicial education annually. Pursuant to that order, the Judicial College of Maryland within the Administrative Office of the Courts serves as the primary entity through which judicial education is provided.

State Fiscal Effect: The Judiciary advises that the development and implementation of a sustainable training program regarding implicit bias necessitates additional resources.

However, the Department of Legislative Services notes that because the bill does not mandate *specific* testing, training, or evaluation requirements (*e.g.*, a minimum number of hours or a specific curriculum), the Judiciary has considerable discretion in meeting the bill's requirements. It is therefore assumed that the Judiciary can implement a modest program that satisfies the bill's requirements without materially impacting its finances or operations.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2021
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