

Bill Number: HB 502
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF HOUSE BILL 502
OFFICE OF THE STATE'S ATTORNEY – COLLECTION AND PUBLICATION OF
PROSECUTORIAL INFORMATION

I write in opposition to House Bill 502 as a unfunded mandate that will require that Baltimore County State's Attorney's Office to hire additional employees to collect and publish the data requested. House Bill 502 would require every State's Attorney's Office to record over 100 data points many of which are currently not recorded. The over 100 data points will have to be compiled on every case. Baltimore County often handles close to 40,000 criminal cases per year. Conservatively, that means House Bill 502 will require over 4 million data points will have to be collected and entered into a data system. That is into a system that currently does not exist.

Some of the information required is fairly easily accessible in a case management system if the particular State's Attorney's Office has one in place. Some of the information would not be in the case management system and would require an inquiry of the particular prosecutor or staff member who handled any distinct part of the prosecution of the case. In addition, some of the information required is not information within the knowledge and control of the State's Attorney's office and would require research through the files (electronic or hard file) of the Judiciary or other agencies involved in the criminal justice system.

Baltimore County has conservatively estimated that we would be required to hire at least 11 new employees. In Fiscal Year 2022 it will cost Baltimore County a minimum of over \$800,000.00. That number exceeds one million beginning in 2023 and will continue forever.

House Bill 502 comes with no money. Interestingly, while the Bill requires that a criminal Defendant's name not be used but replaced with a "unique identifier," the name of the prosecutor who charged the case is named. In addition, the names of those who helped in the risk assessment, the Presiding Judge, and the sentencing Judge have to be named.

Of more concern, is that the prosecutors age, gender, race, date hired, title, and disciplinary history of attorney's employed must be listed. This presents a serious privacy concern for those in the public sector who spend their days in courtrooms with criminal Defendant's.

The next part of the proposed legislation requires each State's Attorney's Office to place on a public website all office policies with regard to practically everything this office does and are listed at pages 8 and 9 of the bill. Policy is defined very broadly to include "formal or informal guidance whether or not in writing" and would include manuals, training materials, directions, instruction and "any other piece of information." This would be both an impossible task and an inappropriate infringement upon the work product and internal function of our offices.

Simply put this is costly without providing funds and infringes on the privacy of employees in every State's Attorney's Office in the state.

I urge an unfavorable report.