

Department of Fiscal Services
 Maryland General Assembly

FISCAL NOTE

Senate Bill 472 (Senator Stone, et al.)(Committee to Revise Article 27)
 Judicial Proceedings

Crimes - Theft, Bad Check, and Credit Card Offenses - District Court Offenses

This bill gives the District Court exclusive original jurisdiction in bad check, credit card, and theft cases where the value of the property or services obtained was \$100 or less. The bill also alters the penalty provisions so a defendant cannot demand a jury trial in a circuit court.

Fiscal Summary

State Effect: Indeterminate increase in general fund revenues, decrease in Victims of Crime Fund revenue, and potential minimal decrease in general fund expenditures.

Local Effect: Indeterminate decrease in revenues and potential indeterminate minimal effect on expenditures.

Fiscal Analysis

Background: Under the provisions of the bill, violators are subject to a fine of up to \$500, 90 days in jail, or both. Under current law, the penalty provisions are as follows:

<u>Offense</u>	<u>Maximum penalty</u>
Bad Check:	\$100 fine and 18 months in jail
Credit Card:	\$500 fine and 18 months in jail
Theft:	\$500 fine and 18 months in jail

State Revenues: The District Court estimates this bill could produce an additional 4,900 District Court cases statewide. Transfer of cases from the circuit courts to the District Court means the fines go to the State general fund instead of to the counties.

In addition, State general funds could increase by \$49,000 due to court costs assessed to defendants in the District Court. The State receives \$10 more from District Court filing fees than from circuit court filing fees.

The Victims of Crime Fund could lose \$49,000 annually as it receives \$10 less from court costs assessed in District Court cases than it receives in circuit court cases.

State Expenditures: To the extent that people had been sentenced to Division of Correction (DOC) facilities for violations of these offenses, general fund expenditures could decrease. Due to the nature of the offense and the fact that even under the maximum sentences in existing law these people could be sentenced to local detention centers, it is unlikely that this would have any effect on DOC expenditures. Persons sentenced to the DOC with these offenses usually had other more serious charges as well.

To the extent that violators were sentenced to more than 90 days incarceration under existing law, general fund expenditures could be reduced. Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of the per diem rate after a person has served 90 days. State per diem reimbursements are estimated to range from \$10 to \$48 per inmate, depending upon the jurisdiction. It is unlikely this bill will have any significant impact on reimbursement payments.

Local Revenue: Indeterminate decrease in revenues due to the bill's penalty provisions. Transfer of cases from the circuit courts to the District Court means the fines go to the State general fund instead of to the counties.

In addition, local governments could lose an indeterminate amount in appearance fees and court costs. In most jurisdictions attorneys are charged \$10 to represent a client, most of which goes to local law libraries. In addition, 95% of court costs assessed by the circuit courts go to the local jurisdictions. The maximum loss would be \$418,900 annually, assuming 4,900 defendants were represented by private counsel, convicted, and paid all court costs.

Local Expenditures: Local expenditures could be affected by the bill's reduced incarceration penalties depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for sentences up to and including 90 days. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997. To the extent that people sentenced to local detention centers under current law would receive shorter sentences, local expenditures could decrease. This decrease could be at least partially offset by more people being sentenced to local detention centers instead of to Division of Correction facilities. Any change in net expenditures is assumed to be minimal.

Information Source(s): Judiciary (District Court of Maryland), Office of the Public Defender, Department of Fiscal Services

Fiscal Note History: First Reader - February 20, 1996

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