

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 83 (Delegate R. Baker, et al.)  
Judiciary

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**Criminal Procedure - Pretrial Release Orders - Revocation or Amendment**

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This bill permits a court to revoke or amend a pretrial release order. If a motion to revoke pretrial release is made, the court must issue a body attachment and hold a hearing on the motion the day after the body attachment is served.

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**Fiscal Summary**

**State Effect:** Potential indeterminate increase in general fund expenditures as described below. No effect on revenues.

**Local Effect:** Potential indeterminate increase in expenditures as described below. No effect on revenues.

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**Fiscal Analysis**

**State Expenditures:** The only substantive change from the current procedure set forth in Maryland Rule 4-216 is the requirement that the court issue a body attachment and hold a hearing on the motion the day after the body attachment is served. Because revocation of pretrial release is infrequently used, it is assumed that the additional hearings required by the bill would not significantly increase the workload of the judiciary, although the requirement that the hearing be held the day after the body attachment has been served could disrupt court dockets. Any effect on the judiciary would depend on the number of additional hearings required, which cannot be reliably estimated at this time.

Persons on pretrial detention in Baltimore City are held in the Baltimore City Detention Center (BCDC), a State institution. Because the bill requires a hearing the day after a body attachment has been served, the State would incur at least one day's detention cost in the

BCDC for each body attachment issued in Baltimore City. Per diem costs for the BCDC are expected to be \$43 in fiscal 1997.

**Local Expenditures:** Expenditures could increase as a result of the bill's requirement that a body attachment be issued the day before a hearing. Counties pay the full cost of pretrial detention, which are expected to range from \$22 to \$108 per inmate in fiscal 1997. Because the bill requires a hearing the day after a body attachment has been served, counties would incur at least one day's costs for each body attachment issued.

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**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services (Division of Pretrial Detention and Services); Howard County; Department of Fiscal Services

**Fiscal Note History:** First Reader - January 19, 1996

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Analysis by: Robert C. Bates

Reviewed by: John Rixey

(410) 841-3710

(301) 858-3710

Direct Inquiries to:

John Rixey, Coordinating Analyst