

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 174 (Chairman, Judiciary Committee)
(Departmental - Public Safety and Correctional Services)

Judiciary

Habeas Corpus - Appeals

This departmental bill requires an inmate to request permission from an appellate court before the inmate can appeal a circuit court's refusal to issue a writ of *habeas corpus*.

Fiscal Summary

State Effect: Minimal decrease in general fund expenditures. No effect on revenues.

Local Effect: None.

Small Business Effect: The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Fiscal Services concurs with this assessment.

Fiscal Analysis

Background: Under current law, inmates challenging their incarceration by attacking the criminal conviction itself must file an application for leave to appeal. Inmates attacking their incarceration for other reasons (e.g., calculation of diminution of sentence credits, calculation of sentence, etc.) who are denied a writ of *habeas corpus* by a circuit court may appeal the denial as a matter of right to the Court of Special Appeals. During the court's 1994 term there were 26 such appeals filed and as of January 18, 1996, there were 26 appeals filed in the court's 1995 term.

State Expenditures: General fund expenditures may decline by a minimal amount due to reductions in court transcript preparation and photocopying, to the extent that leave to appeal is denied. Expenditures are not expected to decline significantly because the total number of

cases is small; the State will still have to oppose the request for leave to appeal; and, in at least some cases, leave to appeal may be granted.

Information Source(s): Judiciary (Administrative Office of the Courts, Court of Special Appeals), Department of Public Safety and Correctional Services (Division of Correction), Office of the Public Defender, Office of the Attorney General

Fiscal Note History: First Reader - January 23, 1996

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