

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**  
**Revised**

House Bill 287 (Chairman, Judiciary Committee)  
(Departmental - Secretary of State)

Judiciary

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**Forfeited Recognizances - Remission**

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This departmental bill provides that a defendant or surety applying for remission of a forfeited recognizance must apply to a court rather than the Governor for such an order. The bill also repeals a requirement for a judge to make a recommendation prior to remission by the Governor.

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**Fiscal Summary**

**State Effect:** None. This bill is procedural in nature.

**Local Effect:** None.

**Small Business Effect:** The Secretary of State has determined that this bill has minimal or no impact small business (attached). Fiscal Services concurs with this assessment.

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**Fiscal Analysis**

**State Effect:** A recognizance is the sum of money forfeited to a court by a defendant or surety when the defendant fails to appear. Under current law, if reasonable grounds are shown, a forfeited recognizance may be refunded in two ways: (1) as ordered by a court pursuant to Maryland Rule 4-217(i)(2) and Article 27, Section 616 1/2; or (2) as ordered by the Governor after a recommendation by the judge of the appropriate court. Current practice shows that only applicants in the Baltimore City circuit process their claims through the Governor.

This bill would require all courts, including the Baltimore City Circuit Court, to assume the responsibility for processing remittance requests for their jurisdiction, rather than through the Governor. Since there are only approximately 20 applications to the Governor annually, there should be no measurable fiscal impact on the Baltimore City Circuit Court or the Governor's Office resulting from this bill.

**Additional Comments:** The Department of Fiscal Services notes that this bill does not delete authorization for the Governor to remit a forfeited recognizance since that power is enumerated for the Governor in the Maryland Constitution. However, this bill would eliminate the need for a judicial recommendation if a defendant or surety applied directly to the Governor, or subsequent to an unfavorable decision by a court.

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**Information Source(s):** Office of the Secretary of State, Judiciary (Administrative Office of the Courts), Department of Fiscal Services

**Fiscal Note History:** First Reader - February 2, 1996  
ncs Revised - Small Business Impact Statement Received -  
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