

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 611 (Senator Astle)
Judicial Proceedings

Consumer Protection - Mediation Services - Confidentiality Standards

This bill requires persons who provide mediation services, and persons who are parties in a dispute resolution proceeding, to adhere to specified standards of confidentiality. The bill also provides the circumstances under which these standards do not apply, including when the mediation communication reveals the intent to commit a felony, inflict bodily harm, or threaten the safety of a child under age 16.

The bill provides for the applicability of existing standards relating to discovery, compulsory processes, and the admissibility of evidence. Violators are subject to administrative and/or civil penalties under existing consumer protection provisions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to applicable administrative and civil penalty provisions. Assuming that the Consumer Protection Division will receive fewer than 50 complaints per year stemming from this bill, existing resources should be adequate to handle any additional workload.

Local Effect: Potential minimal revenue increase due to applicable civil penalty provisions. Expenditures would not be affected.

Small Business Effect: None. Since confidentiality standards are already an industry standard for dispute resolution proceedings, including mediation, any mediator or mediation service organization that qualifies as a small business should not be materially affected by this bill.

Fiscal Analysis

State Revenues: These provisions may be enforced by administrative proceedings or civil actions by the Consumer Protection Division. Accordingly, general fund revenues could increase by an indeterminate amount, depending on the magnitude of any administrative penalties or fines imposed by the division. General fund revenues could also increase under applicable civil penalty provisions for those cases heard in the District Court, depending upon the success rate of the division in bringing such actions and the fines imposed. Any recovery of costs by the Attorney General resulting from actions brought under applicable recovery provisions is indeterminate. All such increases in revenue are assumed to be minimal.

Local Revenues: Revenues could increase under applicable civil penalty provisions for those cases heard in the circuit courts, depending upon the success rate of the division in bringing such actions and the fines imposed.

Information Source(s): Office of the Attorney General, Department of Fiscal Services

Fiscal Note History: First Reader - February 25, 1997

ncs

Analysis by: Guy G. Cherry

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710