

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE  
Revised

House Bill 13 (Delegate Taylor and Chairman, Judiciary Committee, *et al.*)  
(Family Violence Council)

Judiciary

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**Evidence - Assault Trials - Spousal Privilege - Record of Assertion**

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This bill provides that if the spouse of a person on trial for assault in which the spouse was a victim is sworn to testify at the trial and refuses on the basis of spousal privilege, the clerk of the court must make and maintain a separate record of that refusal.

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**Fiscal Summary**

**State Effect:** Indeterminate increase in general fund expenditures as discussed below. No effect on revenues.

**Local Effect:** Indeterminate increase in expenditures. No effect on revenues. **This bill imposes a mandate on units of local government.**

**Small Business Effect:** Potential meaningful effect on small businesses as discussed below.

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**Fiscal Analysis**

**State Expenditures:** The Judiciary is not currently responsible for keeping track of victim spouses who refuse to testify at the assault trial of a spouse. The bill would require additional programming to existing automated case management systems within the District Court and the circuit courts to establish a data base that would not be expunged when spousal privilege is evoked in criminal assault trials. There is a single statewide automated system within the District Court. The Judiciary estimates the cost for additional programming in the District Court would be approximately \$10,000. Any additional costs to upgrade the local jurisdictions whose case management systems are also operated by the Administrative Office of the Courts cannot be reliably estimated at this time.

The Department of Fiscal Services advises that the Administrative Office of the Courts is in

the early stages of a multi-year project to automate the offices of the clerks of the circuit courts. Though a record of spouses that were victims who refuse to testify against a spouse on trial for assault is not currently part of the project, software to merge this information could be incorporated into this system as it is implemented throughout the State. Once the system is in place, maintaining the records could be handled with existing budgeted resources.

**Local Expenditures:** The circuit courts possess independent case management systems operated by the local jurisdictions or the Administrative Office of the Courts. Local jurisdictions that are responsible for automated court systems would be responsible for all related costs associated with this upgrade. For illustrative purposes, the Judiciary estimates that it would cost \$52,500 to upgrade existing automated court systems in the circuit courts in Baltimore City, Anne Arundel, Carroll, Howard, Montgomery, and Prince George's counties. It is also estimated that the creation of a statewide index for recording spousal privilege in criminal assault cases would involve the development of suitable communications between systems which cannot be reliably estimated at this time.

**Small Business Effect:** To the extent that small businesses could be awarded add-on contracts for upgrading the case management systems, revenues could increase.

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

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