

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 644 (Delegate Faulkner, *et al.*)
Judiciary

State's Attorneys - Plea Bargaining - Annual Report

This bill requires the State's Attorneys to monitor the use of plea bargaining in their respective counties. They are also required, by February 1 of each year, to submit an annual report to the Attorney General on the number of cases during the preceding calendar year that resulted in a plea bargain and the reason for each plea bargain. The report must be made available, in a specified manner, for review by any person via a request made to the Attorney General.

Fiscal Summary

State Effect: None. (See below.)

Local Effect: Local expenditures could increase as discussed below. Revenues would not be affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Expenditures: The Office of the Attorney General reports that this bill could create the need for one or two additional Assistant Attorneys General. However, the Attorney General's involvement in this process appears to be limited to receiving the reports from the State's Attorneys and making them available for review upon request.

While the requests for review must be made to the Attorney General, it is assumed that expurgated versions of the reports would be prepared and made available by the State's Attorney in the jurisdiction for which the request is made. Accordingly, the requirement of this bill relating to the receipt of the submitted local reports can be handled with the existing budgeted resources of the Attorney General.

Local Expenditures: The Maryland State's Attorney's Association reports that this bill and its reporting requirements for State's Attorneys would have a significant effect on local expenditures in every county. Since those offices do not now track plea bargains in a manner suitable to accommodating the bill's requirements, the association believes that each county would have to hire at least one additional staff person to keep track of plea bargain agreements, the reasons for each agreement, and submit the required report to the Attorney General.

The association also advises that the State's Attorneys' offices in the jurisdictions with the most significant activity in this area (Baltimore City and Prince George's County) could need two to three new staff positions. Anne Arundel County and Montgomery County could require up to two new positions. Since the job description and salaries for these positions statewide could vary significantly, local costs cannot be reliably estimated at this time.

Although this bill imposes a mandate on local governments, data is not readily available at this time to determine the property tax equivalent for each county.

Information Source(s): Office of the Attorney General, Maryland State's Attorneys' Association, Department of Fiscal Services

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