

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 994 (Delegates Malone and Rudolph)
Judiciary

Death Penalty - Procedural Delays

This bill provides that a requirement governing notice of intent to seek a sentence of death or to seek a sentence of life without the possibility of parole applies to any trial date. The bill requires that death penalty sentencing proceedings must be conducted before a judge rather than a jury if the defendant was convicted after a trial before a judge sitting without a jury. A party who seeks to obtain automatic removal of a case must file a motion requesting removal within a specified time period.

The removal provisions of this bill are contingent on the passage of a Constitutional Amendment (HB 992).

Fiscal Summary

State Effect: Indeterminate effect on general fund expenditures as discussed below. Revenues would not be affected.

Local Effect: Potential minimal expenditure increases as discussed below.

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

Fiscal Analysis

State Effect: This bill could affect the number of death sentence prosecutions. However, it is uncertain as to whether the bill would result in an increase or a decrease in actual death sentence prosecutions. In any event, since there are contrasts and dissimilarities as to how different courts and/or juries will view the same presentation of facts with particular sets of circumstances, it is not possible to estimate the success rate for additional prosecutions. Since July 1, 1978, there have been 48 persons sentenced to death in Maryland (representing the imposition of 73 death sentences). Inmates sentenced to death are housed at the

Maryland Correctional Adjustment Center (MCAC) at a cost of approximately \$3,100 per month. The average monthly cost for inmates otherwise incarcerated by the Division of Correction (DOC) is estimated at \$1,500. There are currently 17 persons under sentence of death and held at MCAC. The length of stay for inmates at MCAC is anticipated to be 6 to 11 years.

The DOC reports that 82 offenders were convicted of first degree murder in fiscal 1996. Four were sentenced to death. Although it is unknown if any additional (or fewer) successful death sentence prosecutions would result from this bill, it is assumed that the change would be small. However, to the extent that this bill actually increases the number of death penalties imposed, the State would realize an indeterminate savings in incarceration costs over time.

While it is conceivable that this bill could affect the workload and expenditures of the judicial system, including the Office of the Public Defender, any such effect cannot be reliably projected or quantified.

Local Effect: Any potential change in the practices of the State's Attorneys in seeking the death penalty as a result of this bill cannot be reliably projected. Since this bill is procedural in nature and, in part, is a clarification of current law, it is assumed that any change in current practice would affect only a minimum number of cases and not significantly affect their finances.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, Department of Fiscal Services

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