

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

Senate Bill 864 (Senator Conway)  
Judicial Proceedings

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**Court Fees - Criminal Cases - Law Enforcement Agencies**

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This bill requires the District Court and the circuit courts to impose an additional \$10 fee on convicted criminal defendants. The fee revenues must be paid to the Comptroller. The Comptroller must deposit equal shares of each fee into the operating budget of each law enforcement agency with law enforcement authority within the jurisdiction of the court that collected the fee.

This bill is effective July 1, 1997 and terminates after June 30, 2000.

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**Fiscal Summary**

**State Effect:** Indeterminate increase in revenues for the State Police and significant increase in expenditures for the District Court as discussed below.

**Local Effect:** Indeterminate revenue increases for local law enforcement agencies as discussed below. Expenditures would not be affected.

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

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**Fiscal Analysis**

**Background:** There are 24 circuit courts, one for each county including Baltimore City. There is one unified District Court with 12 jurisdictions. Six of these jurisdictions include more than one county. Fines and costs may be paid in any District Court location regardless of where the charges originated.

The courts do not track “convictions”, so that the number of criminal defendants who would

have this fee assessed is unknown. In the circuit courts, the term “terminated” for court cases refers to cases that were not dismissed or quashed and that had a final disposition in the court. In the District Court, final dispositions are referred to as cases “processed”. Neither terminated cases in the circuit courts nor processed cases in the District Court would be limited to convictions.

Although the term “crime” is not defined in the bill, it is assumed that it could include motor vehicle violations, as well as some natural resources violations. It is also assumed that the bill does not intend for federal law enforcement agencies to be included in the disbursement of fee revenues.

Although the Comptroller of the Treasury is directed to collect the fees from the courts, under current practice, the Comptroller actually sets up accounts into which the respective courts directly deposit fee revenues.

**State Revenues:** There are several inherent difficulties in determining the potential fiscal impact of this bill: (1) the courts are authorized to waive fees; (2) the collection of fees has a relatively low priority for the courts; (3) delinquent fee payments turned over to the Central Collections Unit of the Department of Budget and Management have a collection cost of 2%; and (4) fines and costs assessed in the District Court may be paid in any District Court location regardless of where the charges originated.

In any event, there were 66,954 criminal cases terminated in the circuit courts in fiscal 1996. In the District Court, there were 1,130,811 criminal cases processed, with 952,719 of these being motor vehicle cases. It is not known how many of these cases would involve a conviction that would subject the defendant to the \$10 fee imposed under this bill. Therefore, the amount of additional revenues resulting from this bill cannot be reliably quantified.

For illustrative purposes only, if 50% of terminated and processed cases in fiscal 1996 resulted in a conviction, criminal defendants would be subject to a total of \$5,988,825. However, since the actual collection rate for fees assessed on defendants found guilty can be less than 10% annually, the revenues resulting from this bill could be less than \$599,000 annually until the end of fiscal 2000.

In addition, the Department of State Police enforces State laws in all jurisdictions except for Baltimore City and incorporated municipalities. Accordingly, the State Police would be entitled an equal share of fee disbursements which would represent additional revenues for the department. Other law enforcement agencies operating under State aegis, such as the Natural Resources Police, would also be entitled to equal shares to the extent that their

enforcement responsibilities fall within the jurisdiction of the court collecting the fee. The amount of these potential revenues cannot be quantified. All such revenues would terminate after June 30, 2000.

**State Expenditures:** There are a total of 306 “law enforcement agencies” in the State. These agencies include the Department of State Police; other State police departments such as the Natural Resources Police; local police departments, including county police, municipal police, and county Sheriffs; and police agencies for the State’s colleges and universities. Accordingly, each equal share distribution of the fee would vary significantly by jurisdiction.

The District Court reports that this bill would require extensive computer modifications since the volume of cases would make it impossible to manually receive and distribute the fees. The District Court also believes that this bill would require additional accounting personnel to verify and process this fee since it will not be credited in the same manner as other fees assessed and collected by the court.

The General Accounting Division of the Office of the Comptroller advises that the Comptroller does not have the authority to deposit money into an operating budget of a law enforcement agency as required under the bill. In addition, the division believes that it would incur some start-up costs associated with determining which law enforcement agencies would qualify for distributions. However, since the Comptroller simply sets up an account for the courts to perform other fee collections and distributions, it is assumed that the same arrangement could be followed for this fee.

**Local Revenues:** Under this bill, local law enforcement agencies would receive fee distributions directly from the Comptroller. However, since such direct payments cannot be accommodated by the Comptroller (or the courts), the fee distributions would be made to local governments for distribution to the law enforcement agencies under their governance. All such revenue distributions would terminate after June 30, 2000.

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**Information Source(s):** Judiciary (Administrative Office of the Courts, District Court); Department of State Police; Office of the Comptroller; Department of Fiscal Services

**Fiscal Note History:** First Reader - March 14, 1997

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