

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 235 (The President, *et al.*)
(Administration)

Judicial Proceedings

Referred to Judiciary

Criminal Procedure - Pretrial Release

This enrolled Administration bill prohibits a District Court Commissioner from authorizing the pretrial release of a defendant charged with a crime of violence if the defendant has previously been convicted of a crime of violence regardless of whether the crime occurred in this State or elsewhere. Current law prohibits such releases if the defendant is on parole, probation, or mandatory supervision for an earlier crime of violence.

The bill requires a judge to order the detention of a defendant with such a prior conviction if, after a proper hearing, the judge determines that neither bail nor any condition(s) will reasonably assure that the defendant will not flee or pose a danger to others or the community.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures. Revenues would not be affected.

Local Effect: Potential minimal increase in expenditures. Revenues would not be affected.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small businesses (attached). Fiscal Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Fiscal Analysis

State Expenditures: Prohibiting the pretrial release of certain defendants could increase general fund expenditures if detainees are held for longer periods of time in the Baltimore City Detention Center (BCDC), where persons arrested in Baltimore City are held pending a decision on pretrial release. The BCDC per diem cost for fiscal 1998 is estimated at \$43 per

inmate. However, Pretrial Release Services advises that detainees for violent crimes, with or without prior convictions, are not now typically released pretrial by District Court Commissioners. Accordingly, any increase in detention costs resulting from this bill is expected to be minimal.

Local Expenditures: Expenditures could increase if detainees are held for longer periods of time in county detention centers, where persons arrested in the counties are held pending a decision on pretrial release. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83. Any increase is expected to be minimal for the same reason cited above.

Information Source(s): Judiciary (District Court); Department of Public Safety and Correctional Services (Division of Correction, Parole Commission, and Pretrial Release Services Program); Department of Fiscal Services

Fiscal Note History: First Reader - February 3, 1997
ncs Revised - Senate Third Reader - March 17, 1997
Revised - Small Business Impact Statement Received
- March 31, 1997
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