

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 596 (Delegate Faulkner, *et al.*)
Judiciary

Plea Bargain Agreements - Justification to Court and Notice to Crime Victims

This bill requires a State's Attorney to present written justification to the court and written notice to the victim when entering into a plea bargain with a defendant accused of a violent crime.

Fiscal Summary

State Effect: Indeterminate but potentially significant increase in general fund expenditures. No effect on revenues.

Local Effect: Indeterminate but potentially significant increase in expenditures. No effect on revenues.

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

Fiscal Analysis

State Expenditures: To the extent this bill deters State's Attorneys from entering into plea bargains, general fund expenditures could increase for public defenders, circuit court judges and clerks, and pretrial detention at the Baltimore City Detention Center. In 1995 the Department of Fiscal Services estimated that elimination of plea bargaining with a person who has been convicted of a violent offense and is being prosecuted for another violent offense could increase State expenditures by more than \$9.3 million annually for court and public defender costs alone.

If the bill does not affect the number of plea bargains, State expenditures would not be materially affected.

Local Expenditures: This bill requires a State's Attorney to file a justification for a plea

bargain with a court and to notify the victim of the agreement and the time the agreement will be presented to the court. To the extent that State's Attorneys do not notify victims of trial dates, expenditures could increase. Expenditures related to the justification to the court could increase substantially if a written, case-specific justification is used, or minimally if a preprinted or computer generated form is used.

Approximately 90% of all felony indictments in the circuit courts are disposed of through plea bargains. If State's Attorneys are deterred from entering into plea bargaining arrangements, the local subdivision would have to provide additional resources to the State's Attorneys and the circuit courts. Any such increase would depend upon additional local resources.

The Division of Correction is required to reproduce Article 27 §§ 848 and 848A and distribute it to the State's Attorneys. This can be handled with existing resources.

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

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