

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1216 (Delegate T. Murphy, *et al.*)
Judiciary

Criminal Court Costs - Public Safety Fund for Local Jurisdictions

This bill authorizes a county to establish, by ordinance, a public safety fund to collect specified criminal court costs to be used for public safety purposes designated by the ordinance. The bill requires a court in a county that has established such a fund to impose an additional cost of \$50 on convicted defendants.

Fiscal Summary

State Effect: Potential minimal general fund revenue increase as discussed below. Expenditures would not be affected.

Local Effect: Potential indeterminate circuit court revenue increases as discussed below. Potential local expenditure increase of \$1,000 per county.

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

Fiscal Analysis

State Revenues: Since the State receives a 3-5% draw on court costs collected by the circuit courts, which varies by county, general fund revenues could increase by an indeterminate amount equal to 3-5% of actual collections of the additional court cost. The potential for such additional revenue is also dependent upon a county creating a public safety fund.

Local Revenues: Since the bill refers to the transfer of the additional fee by “the clerk of the court for a county,” it is assumed that this bill is intended to assess the additional \$50 court cost on convicted defendants in the circuit courts only. Currently, the additional court costs imposed on convicted criminal defendants in the circuit courts is \$40. Therefore, this bill would raise those costs to \$90 for each convicted defendant.

However, there are several factors that influence the actual collection of all such fees for local governments: (1) the fact that the courts are authorized to waive fees; (2) the collection of the fees is 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) the State receives a 3-5% draw on such collections which goes to the general fund.

The Division of Parole and Probation is responsible for collecting court costs, fines, and restitution for all criminal courts when the convicted defendant is not incarcerated. Neither the Administrative Office of the Courts nor the division currently tracks data on the total number of criminal convictions, including both incarcerations and probations, when court costs have not been waived, for each circuit court. In addition, even though this additional \$50 fee represents a 125% increase over the existing \$40 fee, it does not necessarily follow that revenues would increase by 125% since a higher fee assessment tends to reduce actual collection rates. Consequently, the amount of additional revenue that would be generated by this bill cannot be reliably estimated.

Local Expenditures: If a county establishes a public safety fund in accordance with the provisions of this bill, additional circuit court expenditures of approximately \$1,000 would be necessary for the printing of new court cost forms.

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

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