

Department of Legislative Services  
Maryland General Assembly

FISCAL NOTE

Revised

House Bill 270 (The Speaker. *et al.*)  
(Administration)

Judiciary

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**Arrest Warrant Inspection - Public Information**

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This Administration bill provides that court files and records pertaining to an arrest warrant shall not be open to public inspection until either the warrant has been served or 90 days have elapsed since the warrant was issued. In addition, court files and records pertaining to an arrest warrant issued pursuant to a grand jury indictment or conspiracy investigation may not be open to public inspection until all arrest warrants for any coconspirators have been served.

The bill takes effect June 1, 1998.

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**Fiscal Summary**

**State Effect:** Approximately \$70,000 expenditure increase for computer reprogramming in FY 1999, with an indeterminate net effect on general fund expenditures. No effect on revenues.

**Local Effect:** Indeterminate net effect on expenditures. No effect on revenues. **This bill imposes a mandate on units of local government.**

**Small Business Effect:** A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available.

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## **Fiscal Analysis**

**State Expenditures:** The District Court and circuit courts would be required to modify their computer systems to limit public computer access to criminal records in accordance with the bill. The District Court estimates that making such changes to its computer system would cost approximately \$20,000. The State would perform and/or pay for the necessary programming changes for the circuit courts, with the exception of Prince George's, Montgomery, and Howard counties, which maintain their own criminal information systems.

It would cost the State approximately \$50,000 to modify the circuit court computer programs for the counties that do not maintain their own systems. Some of these computer modifications may already be in progress.

In addition, the bill would add to the workload of the District Court and circuit court clerks' offices. For every request to review criminal records, an employee would have to determine whether the warrant was served or 90 days have elapsed since the warrant was issued. If not, the employee would have to deny access to the file. The additional work for the clerks' offices resulting from this bill would require training and could require the hiring of additional personnel, depending upon the volume of requests for inspection.

On the other hand, the State Police and other State-funded law enforcement agencies could experience increased efficiencies and/or decreased expenditures as a result of this bill, due to easier arrests of persons who may otherwise get advance warning of their arrests and make themselves difficult to find. The magnitude of this effect and the extent to which it would offset the increased costs for the court system cannot be reliably estimated at this time.

**Local Expenditures:** Prince George's, Montgomery, and Howard counties would incur costs associated with computer programming modifications. Such costs could exceed \$10,000 per county.

On the other hand, local law enforcement agencies could experience increased efficiencies and/or decreased expenditures in the same manner as State law enforcement agencies.

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**Information Source(s):** Judiciary (Administrative Office of the Courts, District Court of Maryland, Judicial Information Systems), Department of Public Safety and Correctional Services (Division of Pretrial Detention and Services), Department of Legislative Services

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