

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 470 (Delegates Benson and Crumlin)

Judiciary

Arrest Warrants - Public Information

Under current law, court personnel are required to deny access to records relating to: (1) police reports of traffic accidents; (2) criminal charging documents prior to service on the defendant; and (3) traffic citations to attorneys who do not represent a person named in the records and agents of any such attorney. This bill adds unserved arrest warrants to the categories of records to which access must be denied, and persons engaged in the business of soliciting or marketing legal services to the categories of people to whom access to records must be denied.

Fiscal Summary

State Effect: Approximately \$70,000 expenditure increase for computer programming 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: Potential meaningful.

Fiscal Analysis

Background: Maryland courts reportedly do not currently enforce the law requiring court personnel to deny inspection of certain records to certain persons, pursuant to a Federal Consent Judgment. This fiscal note assumes that if the bill is enacted, courts will comply with it. Obviously, if there is no compliance, there will be no fiscal effect.

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.

In addition, the bill would add significantly to the workload of the District Court and circuit court clerks' offices. For every request to review criminal or traffic records, an employee would have to determine whether the records requested fit into any of the categories to which access may be denied. If so, the employee would then have to inquire as to the identity of the requestor, and deny access to the file if the requestor fit into any of the categories of persons to whom access to records may be denied. To ensure compliance, the courts might deem it necessary to develop a form for information seekers to fill out and sign. 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 from attorney solicitations 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 as a result of this bill in the same manner as State law enforcement agencies.

Small Business Effect: This bill would adversely affect small businesses that use criminal and traffic case information to market legal services to defendants, because the access of those businesses to criminal and traffic case information would be limited. The magnitude of the impact on a given small business would depend on the extent to which the firm or business relies upon solicitation of criminal defendants as a source of revenues.

Information Source(s): Judiciary (District Court of Maryland, Judicial Information Systems); Prince George's County; Department of Legislative Services

Fiscal Note History: First Reader - February 16, 1998

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