

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 341 (Senator Conway, *et al.*)

Judicial Proceedings

Criminal Procedure - Warrantless Arrests and Citations

This bill adds specified crimes to the list of misdemeanors for which police officers may make a warrantless arrest or issue a citation. Police officers who make warrantless arrests of individuals under specified circumstances are authorized to issue citations to the individuals.

The Chief Judge of the District Court is required to establish a fine or penalty deposit schedule for individuals charged by citation. The bill allows individuals who do not wish to contest guilt in a case to prepay the fines. Further, the bill prohibits police officers from deviating from the schedule when issuing a citation.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund revenues and expenditures.

Local Effect: None. Any decrease in the workload of local law enforcement officers or the circuit courts is not expected to materially affect local finances.

Small Business Effect: None.

Fiscal Analysis

State Revenues: Law enforcement officers currently spend several hours processing paper work for arrested defendants. The bill could result in officers being available to issue more citations. General fund revenues could increase as a result of fines collected from the penalty deposit schedule for those cases where an individual does not wish to contest guilt of a nonjailable offense that does not require the individual to pay restitution. Any such increase, however, would depend upon the penalties established by the Chief Judge of the District Court and how many individuals choose to prepay the fines.

State Expenditures: Under current law, law enforcement officers must appear before a commissioner to file an application for charges against a defendant, or arrest a defendant without a warrant, under specific circumstances. When a law enforcement officer makes an

arrest, the officer must transport the offender to the police station and fill out the necessary paperwork, which can take the officer off the street for up to two hours. This bill would allow officers to issue a citation instead of making an arrest. If citations are aggressively utilized by law enforcement officers, more offenders could be charged instead of arrested, and officers would not have to spend as much time off the streets doing paper work. While this change would not materially affect State finances, it would affect the efficiency of law enforcement agencies.

An increase in citations could also increase the workload of the District Court. In fiscal 1997 the District Court reported 178,935 criminal filings. Of that number approximately 43,000 cases were filed charging defendants with violating the provisions of law cited in this bill. Under this bill, some of those defendants could have been issued citations. A defendant issued a citation is not brought before the District Court Commissioner for arraignment, as are warrant and probable cause arrests. Citations are given a hearing date and require the defendant to appear in court. Assuming the bill results in a significant number of citations being added to the District Court's workload, additional clerks may be needed, particularly in the larger jurisdictions, to handle the increased workload and to process the necessary information. Under current law, the District Court Commissioners perform these clerical tasks when the defendants are brought before them for arraignment.

Additional clerical employees would be needed as a result of the additional citations to enter information into the Maryland District Court Criminal System and process the information. The current ratio of criminal cases to clerks is 1,000:1. The Department of Legislative Services does not have any information on which to base an estimate of the additional number of cases that may be heard by the District Court as a result of this bill. Thus, any effect on the District Court's caseload for these future violations cannot be reliably estimated at this time, although it could be significant.

Information Source(s): Judiciary (District Court of Maryland); Department of State Police; Baltimore City; Prince George's, Harford, Carroll, and Queen Anne's counties; Department of Legislative Services

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