

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 192 (Delegate Vallario. *et al.*)

Judiciary

Jury Trials - Civil Proceedings

This bill proposes a constitutional amendment increasing the amount in controversy threshold for the right to trial by jury in a civil proceeding from \$5,000 to \$10,000.

Fiscal Summary

State Effect: Minimal increase in expenditures. No effect on revenues.

Local Effect: Minimal decrease in expenditures. No effect on revenues.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: This bill should result in fewer cases being transferred from the District Court to the circuit courts on jury demand. The State should therefore experience expenditure increases and/or decreased efficiencies. However, the extent to which this bill would result in fewer transfers cannot be reliably estimated. Statistics involving cases with amounts in controversy of between \$5,000 and \$10,000 are not readily available. Moreover, a litigant who wants a jury trial can sometimes manipulate the apparent amount in controversy of his or her case by artfully wording the pleadings. Any increase in State expenditures that results from this bill is not expected to be significant.

The Maryland Constitution requires that proposed amendments to the Constitution be publicized in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding a general election. The costs associated with these requirements are borne by the State. The fiscal 1999 budget of the State Board of Elections contains funding for publishing constitutional

amendments for the 1998 general election.

Local Expenditures: Jury trials are generally more expensive than bench trials, due to the involvement of jurors and the extra time and procedures that are required. Because this bill should result in fewer jury trials and fewer cases being transferred from the District Court to the circuit courts, circuit courts should experience expenditure decreases and/or increased efficiencies. The extent of this effect cannot be reliably estimated, but is not expected to be significant.

If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 1998 general election. It should not require additional costs for the county election boards to administer the election.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State's Attorneys' Association, Office of the Attorney General, Department of Legislative Services

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