

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 482 (Delegate Marriott. *et al.*)

Judiciary

Maryland Fair Imposition of the Death Penalty Database

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to establish a Maryland Fair Imposition of the Death Penalty Database.

Fiscal Summary

State Effect: Indeterminate significant expenditure increases. Revenues would not be affected.

Local Effect: Indeterminate.

Small Business Effect: Indeterminate. To the extent that computer modifications or programming, including possible system design is contracted to private sector small businesses, they would benefit. Such an opportunity cannot be reliably estimated for magnitude at this time.

Fiscal Analysis

Bill Summary: This bill requires the death penalty database to consist of a statewide uniform system of data collection and retention to allow periodic review of statistical data pertaining to the capital punishment process. It must contain, for each "homicide": (1) the demographic characteristics of the victim; (2) the demographic characteristics of any defendant charged with the homicide; (3) the type of charges brought against any defendant charged with the homicide; (4) the result of any prosecution against any defendant charged with the homicide; and (5) the sentence imposed on any defendant charged with the homicide.

For each case in which the State seeks the death penalty, the database must contain the demographic characteristics of: (1) the judge; (2) each prosecution and defense attorney; (3)

each member of the jury pool; (4) each juror; and (5) all law enforcement personnel. In addition, the database must contain any other information that DPSCS requires.

DPSCS is required to adopt regulations that require database information to be provided by: (1) a State unit; (2) county or municipal governments; (3) a State's Attorney; (4) the Office of the Public Defender; and (5) a clerk of any court in the State. DPSCS is required to publish regulations governing data collection in the Maryland Register by January 1, 1999. DPSCS must also submit, by June 30, 2000, a report to the Senate Judicial Proceedings Committee and the House Judiciary Committee that: (1) provides the results of a multiple regression analysis performed by DPSCS to determine if race is considered in the imposition of the death penalty in Maryland; and (2) identifies the causes of the racial disparity that exists in the imposition of the death penalty in Maryland.

State Expenditures: The actual costs arising from this bill depend on the nature and scope of regulations to be developed by DPSCS. It is assumed that those regulations would have to include, at minimum: (1) a precisely defined scope for the term "demographics" as applicable and appropriate for this database; and (2) rules or guidelines applicable to forms or systems to be used by all contributing State and local units.

DPSCS believes that this bill will require significant amounts of data gathering, entry, verification, and analysis. DPSCS estimates that while the analysis required by this bill will only require an additional part-time contractual employee at approximately \$5,000 per year for the five years of the study, the main costs to the department will be in computer modifications and programming costs. These costs are estimated at between \$200,000, at minimum, and \$500,000, at maximum, depending on the collection system required by regulation.

The Administrative Office of the Courts (AOC) reports that computer modifications and programming costs for its central system for the District Court could cost a minimum of \$250,000. The AOC also advises that courts in two of the larger jurisdictions, Prince George's County and Montgomery County, are not a part of its central system and would have to coordinate data gathering and dissemination with the central system at what could be additional significant costs. The courts and the AOC do not currently collect "demographic" information on the parties and participants of trials.

Any other potential State costs, involving units such as the Public Defender, cannot be quantified without knowing the demands and exigencies of the regulations.

Local Expenditures: A limited survey of local jurisdictions and units yields conflicting opinions as to the costs that may arise under this bill. For instance:

- Baltimore City estimates that the requirements of this bill can be handled with existing resources. However, this estimate is based on the assumption that the data would only be that which arose in death penalty cases. The bill requires data collection for all homicide cases.
- Prince George’s County assumes that the only impact of this bill on the county would involve demographic data collection on law enforcement personnel, since “the courts and the State’s Attorney and Public Defender offices. . .are all State offices.” This is not entirely accurate. The State funds most of the operations of the circuit courts. It is assumed that demographic data on juries, jury pools, and defense attorneys are not currently tracked.
- Montgomery County advises that this bill would have a significant, but indeterminate, fiscal impact on county finances. The county believes that the bill would affect the governing body for the county, the governing bodies of municipal corporations, the State’s Attorney, and the clerk of the circuit court.
- The State’s Attorneys’ Coordinator believes that this bill will have no measurable impact on the operations of State’s Attorneys.
- Calvert County advises no fiscal impact.
- DPSCS, in an earlier statewide estimate, stated that State and local agencies together could spend nearly 23,000 hours of staff time in data gathering, entry, verification, and analysis.

It is difficult to know if any of these local estimates of cost are accurate in that they cannot be readily verified. In any event, Legislative Services advises that this bill could result in additional indeterminate local costs, depending on: (1) regulations to be developed by DPSCS; (2) the local unit’s ability to comply with those regulations; and (3) the local unit’s disposition to participate.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services (Office of Research and Statistics, Data Services Division); State’s Attorneys’ Coordinator; Baltimore City; Montgomery, Prince George’s, and Calvert counties; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 1998

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