

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 243 (Senator Stone)

Judicial Proceedings

Postconviction Procedure - Venue

This bill requires that a hearing on a postconviction petition be held in the circuit court of the county in which the charging document was originally filed.

Fiscal Summary

State Effect: Minimal expenditure decrease due to reduced travel and lodging costs. No effect on revenues.

Local Effect: None.

Small Business Effect: Minimal.

Fiscal Analysis

State Expenditures: In a criminal case, a defendant may be permitted to “remove” the proceedings to a jurisdiction other than where the case was filed. Therefore, when a defendant who has been convicted ultimately files for postconviction relief, the postconviction hearing is occasionally required to be held in a jurisdiction that is remote from where the case originated. By requiring a postconviction hearing to be held in the jurisdiction in which the charging document was originally filed, this bill will reduce or eliminate the need for the State to pay for transportation and lodging of witnesses, prosecutors, and public defenders who participate in lengthy postconviction hearings.

Small Business Effect: Small lodging and related businesses could lose revenues due to fewer overnight stays by witnesses, prosecutors, and public defenders who participate in postconviction proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Attorney General, Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader - February 11, 1998

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