

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1224 (Delegate Gettv. *et al.*)

Judiciary

Criminal Analysis Laboratory System - User Fees

This bill creates a statewide Criminal Analysis Laboratory System by establishing the Crime Laboratory User Fee Fund and the Maryland Crime Laboratory Council within the Department of State Police.

Fiscal Summary

State Effect: Indeterminate increase in annual special fund revenue to the District Court, the Maryland Drug and Alcohol Grants Program Fund, and the Crime Laboratory User Fee Fund. General fund expenditures would increase by \$45,600 in FY 1999 and increase due to annualization and inflation in future years.

Local Effect: Indeterminate increase in annual special fund revenue to the circuit courts. Potential indeterminate expenditure savings for local crime laboratories.

Small Business Effect: Indeterminate. The extent to which additional purchases of crime laboratory equipment and supplies may benefit one or more small businesses in this field cannot be reliably projected.

Fiscal Analysis

Bill Summary: The bill creates a statewide criminal analysis laboratory system composed of the crime laboratory of the Department of State Police and the crime laboratories in Anne Arundel, Baltimore, Montgomery, and Prince George's counties and in Baltimore City, Hagerstown, and Ocean City. The Maryland Crime Laboratory Council consists of the following: (1) a representative of the Governor's Office of Crime Control and Prevention; (2) a representative of the federal Office of Justice Assistance; (3) the Attorney General; (4) the Secretary of the Department of State Police; (5) a representative of the Maryland

Correctional Administrator's Association; (6) a representative of each of the crime laboratories in the system; (7) a representative of the State's Attorney's Association; (8) a representative of the State Medical Examiner's Office; and (9) a judge appointed by the Chief Judge of the Court of Appeals.

The bill provides the council with 11 specified duties relating to the operations and finances of the laboratory system, including the development of guidelines and standards for inclusion of additional laboratories in the system. The council is authorized to reimburse crime laboratories from the fund for: (1) providing equipment and health and safety training to employees in the laboratory system; and (2) any other uses that the council deems appropriate.

The bill requires a \$100 fee to be assessed on all persons convicted of specified drunk and drugged driving charges. The court is authorized to retain 5% of the fee for administrative costs. The remainder of the fee collection must be distributed as follows: (1) one-fourth to the Maryland Drug and Alcohol Grants Program Fund; and (2) three-fourths to the Crime Laboratory User Fee Fund.

Background: There are currently eight State or local crime laboratories in the State: (1) State Police; (2) Baltimore City; (3) Baltimore County; (4) Anne Arundel County; (5) Prince George's County; (6) Montgomery County; (7) Hagerstown; and (8) Ocean City. In calendar 1995, the State Police performed laboratory tests for approximately 13,600 cases, excluding photographs. The largest category for tests involved drug cases (8,000). In Baltimore City, there are approximately 30,000 drug cases annually requiring a local crime laboratory test. The State Police perform DNA testing for Baltimore City.

State Revenues: The Administrative Office of the Courts reports that there were 33,654 dispositions of these drunk and drugged driving offenses in the District Court during fiscal 1997. The State Police reports that an average of 9,295 of District Court cases result in a conviction each year. Although there were approximately 3,800 prayers for jury trials for these offenses in 1997, the number of convictions in the circuit courts is unknown.

Assuming a 50% conviction rate in the circuit courts, this bill would apply authorization for a court to impose the \$100 fee in approximately 11,000 cases. This would allow for a maximum total of \$1,100,000 for distribution annually under this bill as follows:

- 5% to various courts for administrative costs = \$55,000
- 1/4 to the Maryland Drug and Alcohol Grants Program Fund = \$261,250
- 3/4 to the Crime Laboratory User Fee Fund = \$783,750

However, there are several factors that influence the actual collection of all such fees: (1) the fact that the courts are generally authorized to waive fees; (2) the collection of the fees is a relatively low priority for the courts; (3) delinquent fee payments turned over to the Central Collections Unit of the Department of Budget and Management have a collection cost of 2%; and (4) for circuit court cases, the State receives a 3-5% draw on such collections which goes to the general fund. The actual collection rate for fees assessed on defendants found guilty can be less than 10% annually. In addition, this fee is authorized for court assessment rather than required. Accordingly, any additional special fund revenue resulting from this bill cannot be reliably estimated.

It is assumed that the council will spend or otherwise encumber or dedicate all such special fund revenue over time. For purposes of illustration and discussion, those expenditures are shown here as being made in the same fiscal year as their receipt.

State Expenditures: General fund expenditures could increase by an estimated \$45,641 in fiscal 1999, which accounts for the bill's October 1, 1998 effective date. This estimate reflects the cost of hiring one Fiscal Specialist to coordinate and be responsible for the day-to-day record keeping and management of laboratory activities and providing appropriate reports to the council. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$28,275
Operating Expenses	<u>17,366</u>
Total FY 1999 State Expenditures	\$45,641

Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Council members would serve without compensation but would be reimbursed for expenses under the standard State travel regulations. Any such expenditures would depend upon the time, location, and frequency of the council's meetings. The State Police assume that the council would need to meet quarterly. Costs associated with these meetings are included in the operating expenses reflected above.

Local Effect: Since one of the purposes of the fund is to provide equipment and health and

safety training to employees in the laboratory system, it is assumed that existing and future local crime laboratories would benefit. However, it is also assumed that primary responsibility for providing budgeted resources to the local laboratories would remain with the local governments. Accordingly, while it is assumed that resources provided by the fund to local operations will provide a local savings, the amount of that potential savings cannot be quantified.

The extent to which this bill might encourage the opening of additional local crime laboratories cannot be reliably predicted.

Information Source(s): Judiciary (The District Court, Administrative Office of the Courts); Department of State Police; Department of Transportation (Motor Vehicle Administration); Department of Health and Mental Hygiene; Department of Legislative Services

Fiscal Note History: First Reader - March 12, 1998

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