

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Revised

House Bill 505 (Delegate Vallario. *et al.*)
(Task Force to Examine Maryland’s Crime Victims’ Rights Laws)

Judiciary

Parole Hearings - Oral Testimony by Victims

This bill alters requirements and procedures applicable to parole hearings.

This bill is effective January 1, 1999.

Fiscal Summary

State Effect: General fund expenditures would increase by \$60,800 in FY 1999. Out-year expenditures reflect annualization and inflation. Revenues would not be affected.

(in dollars)	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditures	60,800	97,300	100,700	104,200	107,900
Net Effect	(\$60,800)	(\$97,300)	(\$100,700)	(\$104,200)	(\$107,900)

Note: () - decrease; GF - general funds; FF - federal funds; SF - special funds

Local Effect: Indeterminate.

Small Business Effect: None.

Fiscal Analysis

Bill Summary: This bill expands the category of victims or designated representatives who are entitled to present oral testimony at parole release hearings. Specifically, the bill: (1) expands “victim” to include persons who suffer child abuse as a result of a crime or any other persons specified in regulations adopted by the Maryland Parole Commission; (2) adds disabled to a victim’s condition that would allow a designee to represent the victim; and (3) adds a “designated representative” as a person who may represent the victim if the victim is

deceased or disabled.

The bill also expands the category of crimes for which a request for oral testimony may be made. Specifically, the bill includes crimes for which a victim (as defined by Article 27, § 770) has filed a notification request form, and specifies that all such oral testimony can only be made if the victim requests an open hearing.

In addition, if a court prepares a Maryland Sentencing Guidelines Worksheet, the clerk of the court must deliver to the agency that has been ordered to retain custody of the defendant a copy of the worksheet with the commitment order or as soon as practicable after the commitment order has been issued. The Parole Commission must review a worksheet for purposes of complying with current law requirements pertaining to operations of the commission.

State Expenditures: Open parole hearings are generally held at local jails. In fiscal 1997, there were 2,063 Parole Commission cases scheduled for hearing at local jails. Of that number, 208 cases were flagged for victim notification. In all, 1,055 cases were actually heard, with five instances that required victim notification of the decision rendered.

It has been the policy and practice of the Maryland Parole Commission for victims of child abuse to be treated the same as victims of violent crimes. Accordingly, the statutory requirement for victims of child abuse to be entitled to oral testimony at open hearing codifies existing practice and has no fiscal impact.

However, the commission advises that extending open hearings, and rights for oral testimony, to the expanded class of victims defined by Article 27, § 770 may significantly increase the commission's operating expenses. That subsection defines victim to mean "an individual who suffers direct or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act, including a family member or guardian of a minor, incompetent, or homicide victim."

Under this bill, in order to conduct these hearings in a timely manner, current logistical procedures involving the commission, the Division of Parole and Probation, and local jails would have to be reorganized, including notification procedures to the commission. For instance, since some offenders with short sentences reach the expiration of their sentence before a parole hearing can be scheduled, this bill would entail scheduling difficulties, including victim notifications.

Accordingly, general fund expenditures could increase by an estimated \$60,758 in fiscal 1999, which accounts for the bill's January 1, 1999 effective date. This estimate reflects the cost of hiring one Hearing Officer and two Office Clerks to schedule and hear the indeterminate number of additional cases for open hearing with oral testimony that arise from this bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$45,558
Other Operating Expenses	<u>15,200</u>
Total FY 1999 State Expenditures	\$60,758

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.

Local Expenditures: Additional open hearings at local jails could require additional security and physical accommodations beyond what is currently being used. If additional space, security, and administrative support is needed by a local jail with significant numbers of additional hearings, these costs could be significant. However, without any actual experience under these provisions, it is difficult to reliably assess the potential for these needs.

Additional Comments: This bill may also impact the day-to-day operations of the Division of Correction or local police departments because there might be some brief delay in attaching the sentencing guidelines worksheet to commitment orders. However, any such delay is not expected to materially affect the overall operations or finances of these agencies.

Information Source(s): Department of Public Safety and Correctional Services (Maryland Parole Commission), Department of Legislative Services

Fiscal Note History: First Reader - February 26, 1998
tlw Revised - House Third Reader - March 31, 1998
Revised - Enrolled Bill - April 16, 1998

Analysis by: Guy G. Cherry	Direct Inquiries to:
Reviewed by: John Rixey	John Rixey, Coordinating Analyst
	(410) 841-3710
	(301) 858-3710