

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 936 (Delegate T. Murphv. *et al.*)

Judiciary

District Court - Time for Filing Appeal - Stay

This bill provides that, in a District Court criminal case, a motion to modify or reduce a sentence filed within 90 days after the imposition of the sentence shall stay the time for filing an appeal until the court rules on the motion.

The bill applies to sentences imposed on or after the bill's October 1, 1998 effective date.

Fiscal Summary

State Effect: Indeterminate increase in general fund expenditures associated with increased workload for the District Court. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

State Effect: The bill would encourage the filing of motions to modify or reduce sentence in District Court criminal cases. Under current law, a defendant in a District Court criminal case generally has 30 days after imposition of sentence to appeal the case to circuit court. A motion to modify or reduce the sentence may be filed within 90 days, but does not stay the time for filing an appeal. Furthermore, it is believed that most such motions are denied. Therefore, there is currently little incentive for a defendant to file a motion to modify or reduce sentence. This bill would allow a defendant to wait until 90 days after the imposition of sentence, file a motion to modify or reduce the sentence, wait for the court's ruling, and then appeal. If nothing else, this would create a delay of at least 60 days. Therefore, any defendant wishing to delay the ultimate disposition of the defendant's case would benefit by

filing a motion to modify or reduce the sentence. In fact, attorneys who represent criminal defendants in District Court cases would probably file such a motion in most or all cases in which the defendant is dissatisfied with the sentence.

Statistics relating to motions to modify or reduce a sentence filed in District Court cases are not readily available.

An increase in the number of motions to modify or reduce sentence filed in District Court would result in an increase in the workload of District Court judges, who would be required to read the motions, review the corresponding case files, possibly hold hearings, and render decisions on the motions. The workload of clerk's office personnel would also increase due to an increase in paperwork to be processed. The precise impact of this bill on State finances cannot be reliably estimated at this time.

Information Source(s): Judiciary (District Court of Maryland), Office of the State's Attorneys' Coordinator, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 1998

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Analysis by: Claire E. Rooney

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710