

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 69 (Delegate M. Burns)

Judiciary

Governor - Pardons and Reprieves

This proposed constitutional amendment would prohibit a governor from granting reprieves or pardons in any of the following circumstances: (1) after the last general election during a governor's second term; (2) after a governor loses a renomination bid in a primary election; or (3) during a governor's second term if the request for pardon or reprieve was made during the first term, and the information on which the decision may be based was available during that first term.

Fiscal Summary

State Effect: Minimal.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: The Maryland Constitution requires that proposed amendments to the Constitution be publicized in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding a general election. The costs associated with these requirements are borne by the State. The fiscal 1999 budget of the State Board of Elections contains funding for publishing constitutional amendments for the 1998 general election.

If the amendment were to be successfully added to the Constitution, it is conceivable that persons who might have been granted a pardon or reprieve under current provisions would have to wait to make their request until a new governor has taken office. The extent to which this might occur cannot be determined beforehand. Any such loss of potential savings for the Division of Correction cannot be reliably projected or quantified.

Local Expenditures: If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 1998 general election. It should not require additional costs for the county election boards to administer the election.

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 - January 16, 1998

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