

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

Senate Bill 173 (Senators Baker and Bromwell)

Judicial Proceedings

Criminal Procedure - Postconviction Procedure - Filing of Petition for Relief

This bill shortens the time for filing a petition for postconviction relief from 10 years to 5 years from the imposition of sentence, unless extraordinary cause is shown.

The bill is to be construed prospectively and applies only to postconviction proceedings for sentences imposed on or after the bill's October 1, 1999 effective date.

Fiscal Summary

State Effect: Potential significant increase in State expenditures related to increased filings of petitions for postconviction relief. No effect on revenues.

Local Effect: Potential significant increase in local expenditures related to increased filings of petitions for postconviction relief, especially in Prince George's County and Baltimore City. No effect on revenues.

Small Business Effect: None.

Fiscal Analysis

State Effect: In fiscal 1998, 897 petitions for postconviction relief were filed statewide. Of these, 352 were filed in Prince George's County and 211 were filed in Baltimore City.

The Office of the Public Defender (OPD) advises that, based upon what recently happened when the time period for filing federal habeus corpus petitions was shortened, the bill would result in a significant increase in the filing of petitions for postconviction relief. It is believed that the bill would serve to "institutionalize" postconviction proceedings in that, with a 5-year time limit, defendants would automatically avail themselves of the right to file petitions,

regardless of the merit of their claims, so as not to forgo the right. OPD estimates that the number of petitions could increase by as much as 50% as a result of the bill. OPD advises that 2 legal assistants and 2 assistant public defenders would need to be hired to handle this additional workload, for a total cost of approximately \$175,000 annually for salaries, fringe benefits, and associated supplies and equipment.

Circuit court hearings are held in connection with many petitions for postconviction relief. To the extent that the bill results in an increased number of petitions, other related State costs (e.g., transportation of prisoners, court operations) would also increase. The total amount of additional expenditures that would result from this bill cannot be determined at this time.

Local Expenditures: To the extent that the bill results in an increased number of petitions for postconviction relief, related local costs (e.g., court operations, State's attorneys) would increase, especially in Prince George's County and Baltimore City, where the bulk of petitions are usually filed.

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

Fiscal Note History: First Reader - February 12, 1999
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