

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 525 (Delegate Bozman. *et al.*)

Judiciary

Criminal Procedure - Booking Process - Costs

This bill authorizes a judge of the District Court or a circuit court, on behalf of a municipal corporation, to impose costs not to exceed \$25 on a convicted criminal defendant for expenses the municipal corporation incurred in booking the defendant.

Fiscal Summary

State Effect: Indeterminate impact on general fund revenues and expenditures.

Local Effect: Indeterminate potential revenue increase. No effect on expenditures.

Small Business Effect: None.

Fiscal Analysis

State Effect: Increases in court costs tend to decrease collection rates for all post-conviction court costs and fees. Thus, it may be reasonably expected that the additional cost imposed by this bill would tend to reduce collection rates for all current post-conviction costs, fines, and fees. Thus, State revenues from court costs, fines, and fees could decrease by an indeterminate amount.

The bill does not address the administrative process for collection and distribution of the additional court costs to municipalities. There are currently no administrative or accounting procedures in place to distribute funds in this manner. It is assumed that there would be some expenditure increases for the District Court and the circuit courts to implement these procedures. Any expenditure increases cannot be reliably estimated at this time.

Local Effect: In the District Court, about 103,400 cases result in criminal convictions (including 15,000 probation before judgment) where the court cost could actually be imposed. If 100% of these cases were the result of a municipal police arrest and 100% of persons upon whom this court cost is imposed were to pay in full, \$2,585,000 in new court cost revenue would be generated. However, the number of convictions in which an arrest was made by a municipal police force is not known. The Judiciary cannot provide a reliable estimate of how many people this additional \$25 court cost collection would be imposed upon annually.

There are currently 76 municipalities with police forces. To the extent that the District Court or the circuit courts impose the \$25 court cost in addition to other court costs, municipal revenues could increase. Any increased revenue would only partially offset municipal expenditures for fingerprinting, taking arrest photographs, and providing meals for a defendant.

It is important to note that not all municipal police are responsible for the processing of criminal defendants. For instance, in the City of Frederick criminal defendants who are arrested by city police are processed at a central booking facility by county sheriffs. In the City of Annapolis and Ocean City, criminal defendants are processed by city police. In Prince George's County, criminal defendants who are arrested by municipal police are processed at the Hyattsville Regional Processing Center which is operated by the county Department of Corrections. Municipal police employees provide some staffing for the facility on a rotating basis.

Information Source(s): Judiciary (Administrative Office of the Courts), Montgomery County, Prince George's County, Maryland Municipal League, City of Annapolis, Town of Ocean City, City of Greenbelt, Department of Legislative Services

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