

Department of Legislative Services  
 Maryland General Assembly  
 1999 Session

FISCAL NOTE

House Bill 176 (Delegates Hixson and Franchot)

Judiciary

Public Safety Technology Fund

This bill creates the Public Safety Technology Fund, as a State special fund, to provide grants to local governments to update public safety communications systems. The bill requires the Emergency Number Systems Board to administer the fund.

Fiscal Summary

**State Effect:** Indeterminate but potentially significant special fund revenue and expenditure increases from post-conviction court cost collections beginning in FY 2000. General fund expenditures would increase by \$54,900 in FY 2000, including one-time computer upgrade costs for the Judiciary.

(in dollars)	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004
GF Revenues	\$0	\$0	\$0	\$0	\$0
SF Revenues	-	-	-	-	-
GF Expenditures	54,900	13,300	13,500	13,600	13,700
SF Expenditures	-	-	-	-	-
Net Effect	(\$54,900)	(\$13,300)	(\$13,500)	(\$13,600)	(\$13,700)

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

**Local Effect:** Potential significant expenditure savings by county and municipal governments.

**Small Business Effect:** Meaningful.

Fiscal Analysis

**Bill Summary:** The bill provides that grants from the fund could be used for providing capabilities to connect 9-1-1 emergency calls and police radio calls.

The bill provides that the fund consist of revenues from an additional \$5 post-conviction court cost collected by the District Court and the circuit courts for criminal offense convictions, including motor vehicle offenses punishable by imprisonment. The fund may also consist of any money accepted for the benefit of the fund from any governmental or private source and earnings from investments.

Grants awarded from the fund to counties and municipal corporations must be made pursuant to an appropriation by the General Assembly in the annual State budget or by budget amendment. The board is required to establish procedures for grant applications and progress evaluations for grantees.

**Background:** Local governments are being required by Federal Communications Commission regulations to move to the use of information management technologies involving higher radio band frequencies in order to facilitate interconnections among public safety entities. While there are federal Local Law Enforcement Block Grant funds available to smaller municipalities, they are limited.

A higher band width system (800 MHZ) would allow additional channels and permit greater intra-agency and inter-agency communications between and among all public safety functions (police, fire and rescue, and 9-1-1 calls) and other support agencies such as transportation and public works.

**State Effect:** The District Court's criminal filings total approximately 210,000 annually. In addition, there are 111,500 District Court filings for incarcerable traffic offenses annually, for a total of 321,500 cases that would be eligible for the imposition of the additional \$5 court cost. Of that total, only about 103,400 cases result in criminal convictions (including 15,000 probations before judgment) where the court cost could actually be imposed. If 100% of persons upon whom this court cost is imposed were to pay in full, \$517,000 could be deposited to the Public Safety Technology Fund from the District Court.

The circuit courts, which track criminal charges rather than persons charged with criminal offenses, cannot provide a reliable estimate of how many people this additional \$5 post-conviction court cost collection would be imposed upon annually. In any event, since it is known that there are significantly fewer criminal filings in the circuit courts than the District Court, actual court cost collections in the circuit courts can be assumed to be less than that collected in the District Court.

Actual collection rates for all criminal post-conviction court costs tend to be low, except for traffic offenses. However, neither the District Court nor the Administrative Office of the Courts can provide even an estimated contemporary collection rate for court costs. This is due to a number of factors that involve both the priority listing of collections that is employed by the Judiciary, as well as insufficient data collections and computer programs to properly track actual collections. Accordingly, there is currently no methodology available to reliably assess or predict collection rates of the additional \$5 court cost imposed by this bill.

In addition, while it may be theoretically assumed that any new court cost would yield an increase in monies collected equal the amount of the court cost times the number of convictions, increases in such court costs actually tend to decrease collection rates for all post-conviction court costs and fees. That is, collections from increases in post-conviction court costs tend to diminish as the court costs increase. 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.

Court costs for criminal cases in the District Court are currently set by statute at \$20 (not including any costs that may be imposed under the Criminal Injuries Compensation Act). There is no corresponding statutory amount set for court costs in the circuit courts.

In any event, the District Court and the circuit courts would experience some additional computer related costs in fiscal 2000 and beyond. The District Court and the Administrative Office of the Courts would each need \$20,000 as a one-time cost in fiscal 2000 for software upgrades and redesign of accounting procedures. In addition, the District Court would also require the purchase of new forms in fiscal 2000 only at a cost of \$5,000 and some continuing part-time contractual assistance to help in accounting for and distributing the new court cost structure. Accordingly, fiscal 2000 expenditures arising from this bill are estimated at \$54,905.

Subjecting the fund to audits by the Division of Audits can be handled with the existing budgeted resources of the division.

**Local Effect:** Absent knowing what grant application guidelines and qualifications may be established by the Emergency Number Systems Board in administering this fund, it is difficult to know how many grants would be sought by local governments and how many would be awarded (and at what magnitude) by the board. In any event, a brief and limited survey by the Department of Legislative Services indicates a level of grant applications in the following amounts:

Carroll County	\$300,000
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Queen Anne's County	\$3,800,000
St.Mary's County	Indeterminate
Prince George's County	Indeterminate
City of Takoma Park	\$500,000 (minimum)

The Department of Public Safety and Correctional Services, within which the Emergency Number Systems Board operates, assumes that there is a probability that all local governments will apply to utilize the new fund. In any event, the number of grant applications and awards and their effectiveness in addressing technological needs would depend upon the amount of money available in the fund from year to year, the ability of the board to efficiently administer grant applications, and the extent to which plans and specifications for grant projects can keep pace with changing technologies.

**Small Business Effect:** Assuming that some or all of the hardware and software upgrade purchases by local governments may come from small businesses, and that all of these purchases may not be able to be made without the grants provided by this special fund, this bill would yield some meaningful business opportunities.

**Information Source(s):** Judiciary (The District Court, Administrative Office of the Courts), Department of Public Safety and Correctional Services (Office of the Secretary, Emergency Number Systems Board), Carroll County, Harford County, Montgomery County, Queen Anne's County, St. Mary's County, Prince George's County, City of Takoma Park, Town of Thurmont, Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:  
 John Rixey, Coordinating Analyst  
 (410) 946-5510  
 (301) 970-5510