

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 719 (Delegate Redmer. *et al.*)

Judiciary

District Court - Criminal Appeals - On the Record Hearings

This bill requires that all criminal appeals from the District Court, including cases involving guilty pleas, municipal infractions, and code violations, be heard on the record made in the District Court. Under current law such appeals are tried de novo in circuit court.

Fiscal Summary

State Effect: Indeterminate.

Local Effect: Indeterminate.

Small Business Effect: Potential minimal.

Fiscal Analysis

State/Local Effect: The Office of the Public Defender advises that the bill would result in more jury trials, because a reasonable criminal defendant would demand a jury trial rather than risk a District Court trial with the right of an on the record appeal only. Because a jury trial is more involved than a de novo appeal, the Office of the Public Defender estimates that it would have to hire five new assistant public defenders to handle the increased workload that would result from the bill, for a total cost of \$227,231 for the last nine months of fiscal 2000, which includes salaries, fringe benefits, and office equipment.

If the bill does result in a significant number of additional jury trials, State's Attorney's offices and circuit courts could also experience increased workloads and additional costs. On the other hand, under this scenario, the workload of the District Court could decrease (because fewer criminal proceedings would be taking place in District Court).

Alternatively, if the bill results in an increase in the number of on the record appeals, the workload of the District Court would increase. It is the responsibility of the District Court clerk's office to transcribe the testimony of cases to be appealed on the record and submit such transcripts to the circuit courts within the time specified by law. In fiscal 1998 the District Court processed approximately 589 civil appeals on the record and 4,386 de novo appeals. The District Court advises that, assuming the number of on the record appeals increases by 400%, it would need to purchase at least 62 pieces of recording equipment and 54 pieces of transcribing equipment, hire 15 transcribers, 7 proofreaders, and 1 supervisor, and obtain 3,750 additional square feet of office space, for a total cost of \$1,211,227 for the last nine months of fiscal 2000. The State would be partially reimbursed for these expenses because parties are required to pay for transcripts. However, indigent defendants would not be required to pay.

The District Court also advises that, in the event that the number of on the record appeals increases, the number of memoranda that State's Attorney's offices and the Office of the Public Defender would need to prepare would increase (memoranda must be filed for an on the record appeal, but not ordinarily for a de novo appeal). Circuit courts would also be required to write additional opinions (written opinions are required for on the record but not de novo appeals). This additional work could be fully or partially offset by the time and effort saved by not having to retry the case.

Legislative Services advises that the number of on the record appeals would probably increase to some extent as a result of the bill, because not all defendants are entitled to jury trials, depending on the nature of the charges. (A defendant is entitled to demand a jury trial if the charge carries with it the possibility of incarceration for 90 days or more.) However, the precise net fiscal effect of this bill on the State and local governments cannot be determined at this time.

Small Business Effect: The bill could result in increased revenues for small businesses that sell audio and transcribing equipment.

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

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