

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 101 (Delegate Boschert)

Judiciary

Domestic Violence Unit Pilot Program Fund

This emergency bill establishes a special, nonlapsing fund called the Domestic Violence Unit Pilot Program Fund. The purpose of the fund is to provide grant money to the sheriff's office or police department in one or more counties for the creation of a domestic violence unit dedicated to the service of ex parte orders and protective orders and the data entry and data updating of those orders. Disbursements from the fund may not supplant local expenditures for those purposes. The fund is to be administered by the Governor's Office of Crime Control and Prevention. The Governor may provide a deficiency appropriation for the fund in the State budget for fiscal 2000, and may appropriate moneys to the fund in the State budget for fiscal 2001 and 2002.

The bill sunsets June 30, 2002.

Fiscal Summary

State Effect: Assuming that a domestic violence unit is created in one county, general fund expenditures could increase by \$213,100 in fiscal 2001 and a similar amount in fiscal 2002. The fiscal 2001 budget includes \$200,000 in general funds for this program, contingent upon the enactment of this bill.

Local Effect: Revenue/expenditure neutral.

Small Business Effect: None.

Analysis

Current Law: Local sheriffs and other law enforcement agencies are responsible for the service of ex parte and protective orders and the data entry and data updating of those orders.

Background: Richard Wayne Spicknall was charged with murder after he allegedly shot his two young children on the Eastern Shore on September 9, 1999. Authorities said that Spicknall was barred from buying or owning a gun because his wife had obtained a protective order against him, but he was mistakenly allowed to buy a gun due to a clerical error in the Howard County Sheriff's Department. State law prohibits State Police from giving a permit to buy a firearm to anyone under a protective order.

The Spicknall case sparked news reports that as many as half of the people subject to protective orders in Maryland are not listed in databases the State Police use to conduct background checks for gun purchases. The reports, which prompted legislative hearings, also said that many protective orders were not being logged into computers for several weeks or months. In addition, a State Police audit found that 86% of the protective orders entered into the agency's database had errors.

Law enforcement agencies have contended that delays and errors are inevitable because the computer system is outdated and the forms given law enforcement officers by the courts often are illegible and/or do not contain all of the required information.

Approximately 22,550 protective and ex parte orders were filed in District Court and circuit courts statewide in fiscal 1999.

State Expenditures: The fiscal 2001 budget includes \$200,000 in general funds for this program, contingent upon the enactment of this bill.

The estimated cost for a county sheriff's office to implement a domestic violence unit is \$213,100 in fiscal 2001. This estimate includes salaries and benefits for two clerks and two deputies, two vehicles, equipment, and office supplies. The fiscal 2002 cost would be similar.

Local Fiscal Effect: Any monies received from the fund by a local government would be both a revenue and an expenditure, for a net neutral fiscal effect, because the State grant money cannot be used to supplant existing local expenditures.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): *The Baltimore Sun*; Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Anne Arundel, Frederick, Montgomery, and Prince George's counties; City of Salisbury; Baltimore City; Department of Legislative Services

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