

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1081 (Delegate Rosenberg)

Judiciary

Criminal Procedure - Mandatory Retention and Storage of Evidence

This bill requires that all evidence subject to DNA testing, fingerprinting, hair analysis, or any other forensic testing, collected by a State or local law enforcement agency in connection with an investigation or subsequent to a criminal conviction, be retained and properly stored by the agency that collected the evidence. Any such evidence may not be destroyed without a court order.

Fiscal Summary

State Effect: Potentially significant increase in expenditures for the State Police for additional storage space, including refrigeration facilities.

Local Effect: Significant increases in expenditures for local law enforcement agencies.

Small Business Effect: Potential minimal.

Analysis

Current Law: None applicable.

Local Expenditures: Different jurisdictions currently have different policies on the retention of evidence. For example, Baltimore City advises that, due to limited storage space, the Baltimore City Police Department keeps evidence until 90 days after a conviction, unless there is an appeal, in which case the evidence is kept until all appeals have been exhausted. Prince George's County advises that the Prince George's County Police Department stores evidence indefinitely, but evidence may be destroyed with the concurrence of the investigator, the State's Attorney, and the County Attorney. Frederick County advises it

would need additional storage space plus an additional deputy to process associated paperwork. It is expected that for most or all jurisdictions, the bill would require additional storage space, including refrigeration facilities for evidence such as DNA and blood samples.

The expenses that would be incurred by law enforcement agencies for the additional storage facilities required by the bill cannot be reliably estimated, but it is expected that such expenses would be significant over time.

Additional Comments: The Los Angeles Police Department, which is required to store all DNA evidence indefinitely, is reportedly experiencing difficulty in maintaining samples. The department has rented freezer trucks for storage purposes.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police; Judiciary (Administrative Office of the Courts); Baltimore City; Frederick, Montgomery, and Prince George's counties; Department of Legislative Services

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drg/jr

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