

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 321 (Senator Stone)
(Task Force to Examine Maryland's Crime Victims' Rights Laws)

Judicial Proceedings

**Victims' Rights - Victim and Witness Protection and Relocation Program -
Assistance for Victims and Witnesses**

This bill requires that money appropriated to the Victim and Witness Protection and Relocation Program be used to "assist" victims and witnesses for the purposes of protecting them or facilitating their participation in court proceedings.

Fiscal Summary

State Effect: State special fund expenditures from the Victim and Witness Protection and Relocation Fund would increase due to the broader allowable usages of the fund. Revenues to the fund would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The provisions relating to the Victim and Witness Protection and Relocation Program require that money appropriated to the program be used to "relocate" victims and witnesses for the purposes of protecting them or facilitating their participation in court proceedings.

Background: In 1994 a victims' rights provision was added to the State Constitution. The Legislative Policy Committee formed the Task Force to Examine Maryland's Crime Victims' Rights Laws as a Joint Statutory Committee in 1995. The charge of the task force was to

take a comprehensive look at Maryland's victims' rights laws, and to recommend substantive changes to improve the State's statutory scheme.

Also in 1995, the General Assembly passed the child sexual offender registration law, also known as "Megan's Law," and increased court costs that certain defendants have to pay when convicted of nonjailable motor vehicle offenses to create additional funding for the Maryland Victims of Crime Fund, the Criminal Injuries Compensation Fund, and the Victim and Witness Protection and Relocation Program.

Since 1995, the task force has joined in the introduction and enactment of legislation that included expanding the procedures for notifying crime victims of their rights during the criminal justice process, enacting the Victims' Rights Act of 1997, broadening victims' rights laws to apply to juvenile delinquent acts and proceedings, and expanding eligibility for awards from the Criminal Injuries Compensation Board. This bill is the result of considerations and deliberations by the task force during the 1999 interim. In general, the task force found that expanding the potential uses of this program and fund (in addition to relocations) may facilitate greater participation by reluctant victims and witnesses in criminal trial proceedings. For instance, the fund could be used for "appearance fees" for such victims and witnesses.

State Fiscal Effect: At the start of fiscal 2000, the Victim and Witness Protection and Relocation Fund had approximately \$723,000. Of that amount, only about \$300,000 was appropriated by the Governor for use during fiscal 2000, and \$150,000 has been included in the Governor's proposed budget for fiscal 2001. It is expected that that full amount will be utilized by the close of the year.

The fund receives deposits from post conviction court costs and fees in criminal trials. In recent years, these deposits have grown slightly. In the last two completed fiscal years, there was \$240,000 deposited in fiscal 1998 and \$252,000 in fiscal 1999. In addition, the fund is an interest bearing account maintained by the State Treasurer and accrues interest on unencumbered fund balances. The fund has always held significantly more funds than has been needed or appropriated annually. This bill would not affect the revenue flow to the fund.

Expenditures from the fund for witness and victim relocations are made via a process whereby the Office of State's Attorneys' Coordinator, as administrator of the fund, notifies the Governor's Office of Crime Control and Prevention (GOCCP) of an expenditure need within that year's budget appropriation. The GOCCP makes the formal request to the Treasurer for the actual payment to be made.

Under this bill, it is assumed that more money would be included in the Governor's budget

appropriation for payments to “assist” victims and witnesses. However, since the specific uses of the fund under this bill are dependant upon the discretion and judgement of State’s Attorneys, it is not possible to reliably predict actual expenditures from the fund for any given fiscal year. It is assumed that the Governor would appropriate enough money annually to meet anticipated assistance expenditures within the limits of the fund’s balance and its expected deposits and earnings.

Additional Information

Prior Introductions: None.

Cross File: HB 863 (Delegate Vallario, *et al.*) - Judiciary.

Information Source(s): Governor’s Office of Crime Control and Prevention, Office of State’s Attorneys’ Coordinator, Department of Legislative Services

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