

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 72 (Chairman, Judicial Proceedings Committee)
(Departmental - Public Safety and Correctional Services)

Judicial Proceedings

Fingerprinting of Criminal Defendants - Probation Prior to Judgment

This departmental bill eliminates a current law exemption from mandatory fingerprinting subsequent to sentencing for persons who are summoned to court, rather than arrested, to answer charges, and then found guilty and sentenced to probation prior to judgment.

Fiscal Summary

State Effect: Minimal. The requirements of this bill could be handled with the existing budgeted resources of the Department of Public Safety and Correctional Services (DPSCS) and the Department of State Police.

Local Effect: Minimal. The requirements of this bill can be handled with the existing budgeted resources of the local correctional facilities and law enforcement.

Small Business Effect: The DPSCS has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Persons summoned to court, rather than arrested, to answer charges, and then found guilty and sentenced to probation prior to judgment are currently exempt from mandatory State fingerprinting requirements.

Background: The Criminal Justice Information System (CJIS) Central Repository, a unit of

the DPSCS, is the designated State identification bureau for Maryland under programs and procedures operated, coordinated, and governed by the FBI. CJIS is a fingerprint-supported system and, as such, relies on fingerprint collection for the completeness and accuracy of an individual's criminal history. Such a history includes arrests, convictions, and incarcerations.

Current law prevents such a conviction from being entered into the fingerprint-based CJIS identification system and thus prevents judges and licensing authorities from receiving full information about prior criminal history.

Criminal history record checks, based on fingerprint data collected and maintained by CJIS, are needed for: (1) judicial review of licensees convicted of controlled dangerous substance offenses; (2) consideration of sanctions by State licensing authorities under provisions in the Business Occupations Article for the occupations of accountant, architect, professional engineer, land surveyor, and real estate broker; (3) the application process for persons applying to care for or supervise children under provisions in the Family Law Article; and (4) possible judicial orders for registration with Maryland's Crimes Against Children and Sexual Offender Registry.

Additional Information

Prior Introductions: None in the last six years. Similar introductions prior to that time frame.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of State Police, Department of Legislative Services

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