

**Department of Legislative Services**  
 Maryland General Assembly  
 2000 Session

**FISCAL NOTE**

Senate Bill 297 (Senator Mitchell. *et al.*)

Judicial Proceedings

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**State Prosecutor - Investigations - Homicide by Law Enforcement Officer**

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This bill authorizes the State Prosecutor to investigate a homicide occurring on or after January 1, 1993 that allegedly was caused by a law enforcement officer if:

- after initial review, a State’s Attorney does not file an information or seek a grand jury indictment in the case; or
- after new facts about the case are brought to the State’s Attorney’s attention following the initial review, the State’s Attorney still does not file an information or seek a grand jury indictment.

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**Fiscal Summary**

**State Effect:** General fund expenditures would increase by \$49,200 in FY 2001 for the Office of the State Prosecutor to hire an additional investigator. Out-year expenditures reflect annualization, salary increases, and inflation.

(in dollars)	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditures	49,200	60,500	63,200	66,000	68,800
Net Effect	(\$49,200)	(\$60,500)	(\$63,200)	(\$66,000)	(\$68,800)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - =indeterminate effect*

**Local Effect:** The bill would not significantly impact local government operations or finances.

**Small Business Effect:** None.

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## Analysis

**Current Law:** The Office of the State Prosecutor conducts criminal investigations of alleged misconduct by public officials and violations of the State election and public ethics laws on its own initiative or at the request of the Governor, the Attorney General, the General Assembly, the State Ethics Commission, or a State's Attorney. Specific types of investigations include criminal offenses under the State election and conflict of interest laws, violations of the State bribery laws involving a public official, criminal malfeasance in office committed by a public official, multi-jurisdictional offenses, and violations of the State obstruction of justice, perjury, and extortion laws.

**Background:** The Governor's proposed fiscal 2001 budget includes \$866,829 in general funds for the operation of the Office of the State Prosecutor.

**State Expenditures:** The Office of the State Prosecutor estimates that it would be assigned two to three homicide cases annually as a result of the bill, and that it would consequently need to hire an investigator with special expertise and training in homicide cases. General fund expenditures would increase by an estimated \$49,226 in fiscal 2001, which takes into account the bill's October 1, 2000 effective date. This estimate includes salary for a special agent I, fringe benefits, one-time office equipment purchases, communications, travel, automobile expense, supplies, and office space.

Salaries and Fringe Benefits	\$39,784
Office Equipment	4,520
Ongoing Operating Expenses	<u>4,922</u>
<b>Total FY 2001 State Expenditures</b>	<b>\$49,226</b>

Future year expenditures reflect (1) full salary with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Funds for a new investigator are not included in the Governor's proposed fiscal 2001 budget.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 704 (Delegate Marriott) - Judiciary.

**Information Source(s):** Office of the State Prosecutor, Maryland State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2000  
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