

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

Senate Bill 557 (Senators Currie and Exum)

Budget and Taxation and Judicial Proceedings

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**District Court - Security Services - Costs**

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This bill requires the State to pay for all District Court security costs, including courtroom and courthouse security and the custody of individuals detained at the courthouse. If a county sheriff provides District Court security services, the State must reimburse the county for the associated costs. The bill also reflects a State commitment to reimburse Prince George's County \$57 million in fiscal 2001 for the costs of District Court security performed by the county sheriff from the inception of the District Court through fiscal 2000.

The bill is effective July 1, 2000.

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**Fiscal Summary**

**State Effect:** State general fund expenditures could increase by up to \$66 million in FY 2001 to reimburse Prince George's County for past services (\$57 million) and to provide courthouse security for Charles (\$50,000), Carroll (\$50,000), and Prince George's (\$148,680) counties and custody services to all counties (\$8.6 million). Future years would not include the \$57 million reimbursement to Prince George's County but would reflect ongoing personnel costs. The Governor's proposed FY 2001 budget includes \$148,680 to reimburse Prince George's County for courthouse security provided by the sheriff's office.

**Local Effect:** Prince George's County revenues would increase by more than \$57 million in FY 2001. All counties would realize additional revenues for reimbursement of security services provided by local law enforcement units or would gain State-funded security services in courthouses. Custody of prisoners and other courthouse security is already provided by the State for District Court operations in Baltimore City.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The State pays the costs associated with the maintenance, operation, and administration of the District Court, and also provides the necessary facilities, including capital costs.

**Background:** The Court of Appeals recently issued a decision in the case of *Prince George's County, Maryland v. Aluisi*, in which it ruled that the State is responsible for funding courthouse security in the District Court. The court ordered the State to reimburse Prince George's County, beginning in fiscal 2000, for the provision of courthouse security services. Maryland may also have to reimburse the county for past expenditures used to provide courthouse security, but that part of the case is still pending. The case did not address the funding of prisoner lockups in the District Court.

Courthouse security for the District Court is currently provided, in whole or in part, by the local sheriffs' offices in Carroll, Charles, and Prince George's counties. The other counties and Baltimore City use bailiffs or other security personnel who are paid by the State. In Carroll and Charles counties, the District Court pays the counties for some portion of the service. Only in Prince George's County did the sheriff's office provide substantial security services with no reimbursement from the State.

Prisoner custody at District Court lockups is supported exclusively by the counties, although the State pays for the service in Baltimore City. In some counties, the service is provided by the sheriff's office; in others it is furnished by the local police department; and in some counties, local correctional officers staff the lockup facilities.

**State Expenditures:** Pursuant to the court's ruling in *Prince George's County, Maryland v. Aluisi*, the Governor's proposed fiscal 2001 budget includes \$148,680 in general funds to reimburse Prince George's County for the provision of building security at the District Court. The District Court estimates that an additional \$100,000 per year would be required for the State to completely fund courthouse security in Carroll and Charles counties. The \$57 million reimbursement for past courthouse security provided by the sheriff's office in Prince George's County is not included in the Governor's proposed fiscal 2001 budget, though a deficiency appropriation of \$111,510 for fiscal 2000 is included.

The operations of District Court lockups would be a more significant ongoing expense for the State. The District Court estimates that funding of courthouse lockups would require approximately \$6.5 million to \$8.6 million annually if the State hires employees to take over the service. To estimate this, the District Court examined every courthouse and the number of employees that each would need to adequately and safely operate the lockups. Based on this analysis, the District Court estimates that a total of 171 officers would be needed in the 29 District Court locations operating in the counties.

Two other options for the provision of lockup custody services -- reimbursing the counties for services already provided by local law enforcement units or contracting with a private security company for lockup services -- could also be pursued by the State. The District Court advises that costs for these options could be higher than if the State hires its own officers, but that these options may be preferable because finding individuals to provide custody services in District Court lockup facilities would be very difficult. However, in a limited sample of counties, local estimates for the costs of lockup services were less than the estimates provided by the District Court. The majority of the costs associated with lockup services are for personnel and would be subject to regular pay increases regardless of how they are provided.

**Local Revenues:** The Court of Appeals ruling requires the State to reimburse Prince George's County for security services provided by the sheriff's office. The Governor's proposed fiscal 2001 budget includes \$148,680 for this reimbursement, and it is assumed that future years would reflect a steady growth in this cost. Prince George's County, however, estimates the fiscal 2001 cost for courthouse security at \$1.9 million. To reimburse Prince George's County for past services, the bill would provide \$57 million in State funds. The county advises that the actual costs, without interest, were \$24.2 million.

The provision in the bill requiring the State to reimburse local sheriffs' offices for security services provided in the District Court would result in an increase in revenues for Carroll and Charles counties, where the local sheriffs provide some security services for which they are not reimbursed. The increase in revenues is estimated at \$50,000 per county.

With respect to lockup services, counties could be reimbursed for these services if local officers continue to provide lockup custody and the State reimburses the counties for the associated costs. At this time, it is not known exactly how much each county could receive, but, as examples, Montgomery County estimates its fiscal 2001 spending for District Court lockups at \$465,320 and Wicomico County estimates its costs at \$45,426. If the State instead hires new employees or contracts with a private security company for the provision of lockup services, the counties could deploy law enforcement personnel for purposes other than the provision of courthouse custody.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1033 (Delegate R. Baker, *et al.*) - Judiciary.

**Information Source(s):** Judiciary (District Court of Maryland), Allegany County, Baltimore City, Montgomery County, Prince George's County, Wicomico County, Department of Legislative Services

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