

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1188 (Delegates Gordon and Kach)

Judiciary

Office of State Prosecutor - Repeal

This bill abolishes the Office of the State Prosecutor.

The State Prosecutor must consult with the State Archivist on what materials from the Office of the State Prosecutor should be permanently stored, and send those materials to the Hall of Records.

Fiscal Summary

State Effect: The Governor's proposed FY 2001 budget includes \$866,829 in general funds for the Office of the State Prosecutor. Accordingly, general fund expenditures would decrease by this amount in FY 2001 and by similar amounts in future years.

Local Effect: State's Attorneys' offices could incur additional expenditures as a result of additional workload.

Small Business Effect: None.

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 Office of the State Prosecutor was created in the 1970s. The office handles from 60 to 80 complaints per year with a staff of nine full-time employees.

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

State Fiscal Effect: General fund expenditures would decrease by \$866,829 in fiscal 2001 and by similar amounts in future years. The State Archives could handle the bill's requirements using existing budgeted resources.

Local Fiscal Effect: If the Office of the State Prosecutor were to be abolished, it is expected that the cases handled by that office would instead be handled by local State's Attorneys' offices and/or federal prosecutors. State's Attorneys' offices could incur additional expenditures as a result of such additional workload, depending on the number of cases that would be gained. The Maryland State's Attorneys' Association advises that most State's Attorneys' offices do not currently have the expertise and resources to handle the type of white-collar cases handled by the Office of the State Prosecutor. The amount of expenditures that would be incurred by State's Attorneys' offices as a result of the bill cannot be reliably estimated at this time.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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cm/jr

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