

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 901 (Delegate Hutchins)
Judiciary

Criminal Procedure - Probation After Judgment

This bill allows a court to impose as a condition of probation after judgment any lawful condition whether or not a unit of State government has authority over the subject matter of the condition. It also allows a circuit court to order probation after judgment for up to five years or the time for the maximum sentence allowed by law, whichever is longer.

Fiscal Summary

State Effect: Potential significant general fund expenditure increases for the Division of Parole and Probation over time. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A court is prohibited from imposing as a condition of probation certain actions that are under the control of another unit of State government. A circuit court may order probation after judgment for not longer than five years, unless and solely for the payment of restitution.

Background: Under current law, a court may not revoke a driver's license or a business license but instead must order the Motor Vehicle Administration or the appropriate unit of State government to do so. The bill would allow a court as a condition of probation after judgment to revoke a license or take similar actions directly. It is assumed that this

provision could be accommodated with the existing budget resources of the Judiciary and the applicable licensing agency.

However, the bill also allows a circuit court to order probation for as long as the maximum sentence that is attached to the offense for which the defendant is convicted. For the Division of Parole and Probation, this could add significant operational and fiscal impact over time. For instance, a person receiving probation after judgment for an offense that carries a maximum incarceration penalty of 25 years could, under current law, receive a term of probation longer than the actual sentence imposed by the circuit court, but not longer than five years. Under this bill, that same person could be sentenced to probation for up to 25 years. While the actual operational and fiscal impact on the division arising from this bill cannot be reliably predicted, it could be significant. Any such increases would not be felt until after fiscal 2006.

Additional Information

Prior Introductions: None.

Cross File: SB 791 (Senator Jimeno) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Parole and Probation), Department of Legislative Services

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ef/jr

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