

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE
Revised

House Bill 6 (Chairman, Judiciary Committee, *et al.*)
 (Maryland Judicial Conference)

Judiciary

Judicial Proceedings

District Court Commissioners - Powers and Duties

This bill amends the Maryland Constitution to expand the powers and duties of District Court commissioners to include the issuance of civil interim peace orders and civil interim protective orders within the jurisdiction of the District Court when the office of the clerk of the District Court is not open.

Fiscal Summary

State Effect: Expanding the powers of the commissioners would not directly affect State finances.

Local Effect: If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2002 general election. It should not result in additional costs for the county election boards.

Small Business Effect: None.

Analysis

Current Law: The Maryland Constitution provides that District Court commissioners may exercise power only with respect to warrants of arrest, or bail or collateral or other terms of pretrial release pending hearing, or incarceration pending hearing, and then only as prescribed by law or by rule. The District Court has concurrent jurisdiction with the circuit court over civil proceedings relating to domestic violence.

Background: Authorizing District Court commissioners to issue interim domestic violence orders and peace orders would afford 24-hour per day/7-day per week coverage for such orders.

Local Fiscal Effect: The Maryland Constitution requires that proposed amendments to the constitution be publicized either: (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the fiscal 2003 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2002 general election in newspapers or on specimen ballots.

Additional Comments: SB 501 and HB 663 of 2002 contain provisions to implement the expanded powers that would be conferred by this bill.

Additional Information

Prior Introductions: Similar bills were introduced as HB 764 and SB 657 in the 2001 session. The House Judiciary Committee held a hearing on HB 764 and it was subsequently withdrawn. SB 657 passed the Senate, and a hearing was held in the House Judiciary Committee, but no further action was taken.

Cross File: SB 500 (Chairman, Judicial Proceedings Committee, et al.) (Maryland Judicial Conference) - Judicial Proceedings.

Information Source(s): State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2002
lc/cer Revised - House Third Reader - March 18, 2002

Analysis by: Debra A. Dickstein

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510