

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE

House Bill 689 (Delegate Vallario, *et al.*)
 Judiciary

Judgeships - District Court

This bill creates four new District Court judgeships -- one each in District 1 (Baltimore City), District 2 (Dorchester, Wicomico, Somerset, and Worcester counties), District 4 (Charles, St. Mary's, and Calvert counties), and District 5 (Prince George's County). The bill requires that: (1) in District 2, two of the judges be appointed from Worcester County; and (2) in District 4, two of the judges be appointed from St. Mary's County and one from Calvert County.

The bill takes effect July 1, 2002.

Fiscal Summary

State Effect: General fund expenditures would increase by approximately \$688,200 in FY 2003, which reflects a 90-day start-up delay from the bill's July 1, 2002 effective date. Out-year expenditures reflect inflation. These amounts do not include additional costs that could be incurred by the Public Defender's Office for staffing increases.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	688,200	924,900	941,800	959,400	977,800
Net Effect	(\$688,200)	(\$924,900)	(\$941,800)	(\$959,400)	(\$977,800)

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

Local Effect: Expenditures could increase in the counties receiving new District Court judgeships for staff expansions in State's Attorneys' offices.

Small Business Effect: None.

Analysis

Current Law: There are currently 107 District Court judgeships statewide.

Background: At the suggestion of the Legislative Policy Committee, in January 1979 the Chief Judge of the Court of Appeals began an annual procedure of formally certifying to the General Assembly the need for additional judges in the State. The annual certification is prepared based upon a statistical analysis of the workload of the courts and the comments of the circuit administrative judges and the Chief Judge of the District Court.

Last year, the Judiciary certified the need for 19 additional judgeships for fiscal 2002, 14 for circuit court, and 5 for the District Court. Senate Bill 519 of 2001 (see Prior Introductions, below) would have added these new judgeships; as amended, the bill would have added only 4 new District Court judgeships. The bill was not enacted. Chapter 414 of 2001 in effect created one new District Court judgeship in Montgomery County by phasing out only two of the three judgeships associated with the juvenile court, which Chapter 414 transferred from the District Court to the circuit court effective March 1, 2002. The Judiciary requested five additional judgeships in the District Court based on its increasing dependence on retired judges, a recent increase in civil jurisdiction that has necessitated more judicial time for civil matters, and a rise in more complicated civil litigation.

For fiscal 2001, the Judiciary certified the need for six new circuit court judgeships and no new District Court judgeships. Legislation was introduced (Senate Bill 69/House Bill 577) that would have added six new circuit court judgeships and one new District Court judgeship (St. Mary's County). SB 69 passed the Senate as introduced and passed the House without the provision for the new District Court judge, but this difference was not resolved before the end of the 2000 session and no new judgeships were created.

State Expenditures: General fund expenditures for the Judiciary would increase by an estimated \$688,236 in fiscal 2003, which reflects a 90-day start-up delay from the bill's July 1, 2002 effective date. This estimate includes salaries and fringe benefits for the four District Court judges and four courtroom clerks. The estimate also includes costs for supplies and four contractual bailiffs.

Judicial Salaries and Fringe Benefits	\$486,263
Courtroom Clerk Salaries and Fringe Benefits	110,658
Contractual Bailiffs	90,535
Supplies	<u>780</u>
Total FY 2003 Expenditures	\$688,236

Future year expenditures reflect: (1) full courtroom clerk salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing contractual services and supplies. Judicial salaries reflect annualization and cost-of-living increases only because any other increase must be recommended by the Judicial Compensation Commission and enacted via joint resolution by the General Assembly. In the 2002 session, the Judicial Compensation Commission has recommended 5% salary increases for all judges effective January 1, 2003 (HJ 5/SJ 5 of 2002). The Governor's proposed fiscal 2003 budget does not include an allowance for the four new District Court judgeships.

General fund expenditures for the Office of the Public Defender could increase for staff expansions resulting from the new judgeships. The precise amount of such expenditures cannot be estimated at this time. It is expected that the Office of the Public Defender would phase in any staff expansions gradually as the new judgeships reach full operating capacity.

Local Expenditures: The affected counties could incur additional expenses for staff expansions in State's Attorneys' offices.

Additional Information

Prior Introductions: SB 519 of 2001 passed both houses with amendments, but the Senate refused to concur with the House amendments and the House refused to recede. A conference committee was appointed, but no further action was taken.

Cross File: None.

Information Source(s): Judiciary (District Court of Maryland), Department of Legislative Services

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