

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 141
Judiciary

(Delegate Fulton)

State Police - Jurisdiction

This bill authorizes the State Police to act anywhere in the State, including, at all times, within the limits of a municipal corporation that maintains a police force. In addition, the bill requires the State Police to investigate a murder: (1) if the county where the murder occurred had more than 50 murders in the most recent 12-month period (according to the *Uniform Crime Report*); or (2) on the initiative of the Secretary of State Police or at the request of the Governor, the Attorney General, the General Assembly, or a State's Attorney.

Fiscal Summary

State Effect: General fund expenditure increase of \$10-14 million annually beginning in FY 2004. Revenues would not be affected.

Local Effect: Potential significant operational efficiencies and savings for law enforcement agencies in Prince George's County and Baltimore City.

Small Business Effect: None.

Analysis

Current Law: The State Police are empowered throughout the State with the same common law powers, privileges, immunities, and defenses that sheriffs, constables, police officers, and other peace officers have and may exercise within their respective jurisdictions. Any warrant of arrest may be executed by a State trooper in any part of the State without further endorsement.

The State Police may not act within the limits of a municipal corporation (including Baltimore City) that maintains a police force except:

- when in pursuit of a criminal or suspect;
- when in search of a criminal or suspect wanted for a crime committed outside of the limits of the municipal corporation or when interviewing or seeking to interview a witness or supposed witness to the crime;
- when a crime is committed in the presence of the police employee, and the arrested party must be immediately transferred to the custody of the local law enforcement agency;
- when requested to act by the chief executive officer or chief police officer of the municipal corporation;
- when ordered by the Governor to act within the municipal corporation;
- when enforcing the motor vehicle laws of the State, except in Baltimore City;
- in Baltimore City, only when enforcing provisions relating to inspection of used motor vehicles and warnings for defective vehicular equipment;
- in any building or place when ordered by either the President of the Senate or the Speaker of the House of Delegates to guard the safety of legislators or the integrity of the legislative process;
- to protect the safety of an elected State official;
- in the municipal corporations of Somerset County;
- when enforcing child pornography provisions;
- when, in accordance with regulations: (1) participating in a joint investigation with officials from another State, federal, or local law enforcement agency at least one of which has local jurisdiction; (2) rendering assistance to a police officer; (3) acting at the request of a local police officer; or (4) an emergency exists; or
- when conducting investigations relating to the unauthorized access to computers and related material.

No State trooper may be placed on detached service and act for any federal department, agency, or committee outside of the State of Maryland without the written approval of the Governor or as otherwise provided by law.

Background: The State Police have a memorandum of understanding with every county delineating respective investigatory responsibilities. According to the February 3, 2003 edition of the *Baltimore Sun*, “(t)he city and state are working on an agreement that would give troopers some jurisdiction in Baltimore.” Approximately 250 State troopers live within Baltimore City.

According to the most recent *Uniform Crime Report*, during calendar 2001, 463 murders were reported statewide, representing a 6% increase over 2000 – with 256 cases having been reported in Baltimore City and 109 in Prince George’s County. These were the only two jurisdictions in the State that had more than 50 murders during that, or any recent, 12-month period. Baltimore County had the next highest murder count for 2001, with a total of 31.

Murder accounted for .1% of all violent crime in the State and .2% of the State crime index for all crimes. In 2001, Maryland’s murder rate was 8.6 per 100,000 of population. A total of 263 of these cases were cleared, with 3% of the clearances involving only juvenile offenders. Handguns were used in 68% of the reported murders in 2001.

State Expenditures: In assessing the impact of this bill the State Police have made the following assumptions: (1) the only costs associated with this bill stem from the provisions directing the State Police to assume, with the assistance of local law enforcement, primary jurisdiction of all murder investigations in any local jurisdiction when there have been more than 50 murders reported within the most recent 12-month period; (2) murders in Anne Arundel, Baltimore, Harford, Howard, and Montgomery counties (a total of 68) will continue to be investigated by local law enforcement personnel; (3) State’s Attorneys in all other jurisdictions would ask the State Police to investigate all murders in their respective jurisdictions, regardless of whether the threshold of 50 had been met; (4) the personnel requirements of the bill creates the need for a new special division or bureau within the department; and (5) once the State Police had begun murder investigations for a jurisdiction under the provisions of this bill, the State Police would have sole jurisdiction for all murders occurring in that jurisdiction year after year.

Therefore, the State Police believes that it would be responsible for 395 murder investigations in the State, including the original 50 occurring in Baltimore City and Prince George’s County. Assuming the need for an investigation to trooper to ratio of about three to one, the State Police believes that this bill would require an additional 119 troopers/investigators, 18 supervisors (sergeants), 4 lieutenants, 1 captain, and 4 civilian employees. With all attendant operating expenses (including automobiles, overtime, and special investigative funds) and capital costs (construction of a new barracks-like structure for the new division or bureau), the State Police estimates the costs of this bill to exceed \$20 million annually.

The Department of Legislative Services (DLS) was unable to verify this assessment. In addition, without doubting that this bill could have some significant costs attached, DLS questions some of the underlying assumptions stated above. Under this bill, it is more likely that the State Police would be called upon to investigate approximately 265

murders annually, rather than 395. This is so for several reasons: (1) this bill may not increase the frequency with which State's Attorneys request the State Police to handle or assist in murder investigations; and (2) there are only two jurisdictions that would meet the bill's threshold of over 50 reported murders per year (Baltimore City and Prince George's County); (3) it is unclear whether the threshold, once crossed, submits all murders in each jurisdiction to State Police primary jurisdiction forever; and (4) the bill specifically states that the State Police must conduct the murder investigations "with the assistance of local law enforcement units."

Therefore, DLS believes that the provisions of this bill could be accommodated with less than a \$20 million annual general fund outlay. While a more reliable, specific estimate of costs cannot be made at this time, DLS believes the bill's requirements could be met with \$10-14 million, including funds for an additional 73 to 98 uniform and civilian personnel. This represents approximately half to two-thirds of the State Police estimate.

Additional Information

Prior Introductions: In 2002 a similar bill, HB 410, passed the House, received a hearing before the Senate Judicial Proceedings Committee, and had no further action taken on it. In 1996 a similar bill, HB 418, received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Town of Sykesville, City of Greenbelt, City of Hagerstown, City of Laurel, Department of State Police, Town of La Plata, Baltimore City, Department of Legislative Services

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