

Department of Legislative Services
 Maryland General Assembly
 2003 Session

FISCAL AND POLICY NOTE

House Bill 704 (Delegate Vallario, *et al.*)
 (Task Force to Examine Maryland’s Crime Victims’ Rights Laws)

Judiciary

State Office for Victims and Witnesses of Crime

This bill establishes the State Office for Victims and Witnesses of Crime as part of the Executive Department to coordinate State responsibilities concerning the rights of and services to victims and witnesses of crimes and delinquent acts. The bill provides that the head of the office is a special secretary.

The bill is effective January 1, 2004.

Fiscal Summary

State Effect: Special fund expenditures would increase by \$150,100 in FY 2004. Out-year costs reflect annualization and inflation. Revenues would not be affected.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	150,100	279,900	294,200	309,500	326,000
Net Effect	(\$150,100)	(\$279,900)	(\$294,200)	(\$309,500)	(\$326,000)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill transfers the existing oversight functions and operations relating to the Criminal Injuries Compensation Fund and the Criminal Injuries Compensation

Board from the Department of Public Safety and Correctional Services (DPSCS) to the new office. The bill transfers the existing oversight functions and operations relating to the Maryland Victims of Crime Fund and the State Board of Victim Services (including the State's Victim Services Coordinator) from the Governor's Office of Crime Control and Prevention (GOCCP) to the new office. The bill transfers responsibility relating to notoriety of crimes contracts ("Son of Sam" provisions) from the Attorney General to the special secretary.

The special secretary is required to be appointed by and to serve at the pleasure of the Governor and must receive a salary as provided for in the State budget. The special secretary is required to employ necessary staff to carry out the functions of the office. All salaries and expenses for staff and operating expenses necessary for the work of the office, special secretary, and staff must be provided for in the State budget. In cooperation with the Department of Budget and Management, the special secretary must set minimum standards of training and experience for positions in the office.

The bill provides that the special secretary or a designee is a member of the State Board of Victim Services; the State's Attorneys' Coordination Council; the Police and Correctional Training Commissions (in DPSCS); the Subcabinet for Children, Youth, and Families; the State Advisory Board for Juvenile Justice (in the Department of Juvenile Justice); the Vehicle Theft Prevention Council (in the Department of State Police); the State Commission on Criminal Sentencing Policy; and the Criminal Justice Information Advisory Board.

The bill also provides that:

- The bill's provisions do not affect the current term of office of an appointed or elected member of any department, board, commission, committee, agency, or other unit.
- Any employee who is transferred under the bill's provisions to the State Office for Victims and Witnesses of Crime will retain merit system or retirement status and not suffer any diminution of salary, wages, accrued leave, or seniority rights and status as a result of the transfer.
- Any rules and regulations, funds, appropriations, contracts, properties, administrative and judicial proceedings, rights to sue and be sued, and other duties and responsibilities associated with the functions affected by the bill's provisions will continue in effect.
- The personnel, records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of the State Board of Victim Services and the Criminal Injuries Compensation Board are continued as belonging to the State Office for Victims and Witnesses of Crime.

- The Governor must appropriate general, special, and federal funds that were previously budgeted to the State Board of Victim Services and the Criminal Injuries Compensation Fund to the State Office for Victims and Witnesses of Crime.

Current Law: The Criminal Injuries Compensation Fund and the Criminal Injuries Compensation Board are entities within DPSCS. The State Victims of Crime Fund and the State Board of Victim Services are entities under the aegis of GOCCP. A person who makes a notoriety of crimes contract with a defendant or a representative or assignee of that defendant must submit to the Attorney General a copy of all written terms and a summary of all oral terms of the notoriety of crimes contract and pay over to the Attorney General any money or other consideration not subject to an order of restitution that by the terms of the contract would otherwise be owed to the defendant or a representative or assignee of the defendant.

The State Board of Victim Services; the State's Attorneys' Coordination Council; the Police and Correctional Training Commissions; the Subcabinet for Children, Youth, and Families; the State Advisory Board for Juvenile Justice; the Vehicle Theft Prevention Council; the State Commission on Criminal Sentencing Policy; and the Criminal Justice Information Advisory Board do not have a representative of any of the entities being transferred to the office created by this bill.

Background: In 1994 a victims' rights provision was added to the State Constitution. The Legislative Policy Committee formed the Task Force to Examine Maryland's Crime Victims' Rights Laws as a joint statutory committee in 1995. The charge of the task force was to take a comprehensive look at Maryland's victims' rights laws and to recommend substantive changes to improve the State's statutory scheme.

Also in 1995, the General Assembly passed the child sexual offender registration law, also known as "Megan's Law," and increased court costs that certain defendants have to pay when convicted of nonjailable motor vehicle offenses to create additional funding for the Maryland Victims of Crime Fund, the Criminal Injuries Compensation Fund, and the Victim and Witness Protection and Relocation Program.

Since 1995, the task force has joined in the introduction and enactment of legislation that included expanding the procedures for notifying crime victims of their rights during the criminal justice process, enacting the Victims' Rights Act of 1997, broadening victims' rights laws to apply to juvenile delinquent acts and proceedings, and expanding eligibility for awards from the Criminal Injuries Compensation Board.

State Fiscal Effect: There are two existing special secretaries who are salaried at ES8 under the State's executive pay plan, the Special Secretary for Smart Growth and the

Special Secretary for Children, Youth, and Families. The Governor's proposed fiscal 2004 budget includes allowances of \$116,170 and \$116,256, respectively, for salaries for these positions. The minimum salary for an ES8 for fiscal 2004 is \$92,220; the mid-range is \$108,070; and the maximum is \$123,919.

Operating costs for the Criminal Injuries Compensation Board are covered entirely by special funds available in the Criminal Injuries Compensation Fund and federal fund contributions, and do not involve any general fund appropriations. The Governor's proposed fiscal 2004 budget assumes special fund income for the fund of \$4,584,480 and federal fund contributions to the board of \$1,349,000. Accordingly, the board's total budget allowance for fiscal 2004 is as follows:

Salaries and Fringe Benefits	\$321,491
1 Program Manager	
1 Administrator	
4 Claims Investigators	
1 Office Processing Clerk	
Technical and Special Fees	97,474
Fixed Charges (Rent)	31,561
Grants	5,450,000
Other Operating Expenses	<u>32,954</u>
FY 2004 Budgeted Expenditures	\$5,933,480

Based on information provided by GOCCP for a similar bill in 2002, the functions and operations of the State Board of Victim Services (including the State's Victim Services Coordinator) are fully funded through the State Victims of Crime Fund. The fiscal 2004 allowance for GOCCP for functions and operations relating to the State Victims of Crime Fund and the State Board of Victim Services (including the State's Victim Services Coordinator) are assumed to be about:

Salaries and Fringe Benefits	\$169,503
1 Victim's Services Coordinator	
.5 Fiscal Support Staff	
.5 Clerical Support	
.6 Office Support	
Contractual Services (Victim's Brochure)	64,889
Technical Support	<u>58,280</u>
FY 2004 Budgeted Expenditures	\$292,672

GOCCP reports that the technical support is a person provided for victim's services operations through a Maryland Victims of Crime Fund grant to Towson State University. The Victims of Crime Fund tends to receive about \$1,150,000 annually in special fund

revenue. It should be noted that, without this bill, actual administration of the fund may be transferred by the Governor to the new Governor's Grants Office.

GOCCP also advises that, assuming the personnel listed here would move to new quarters, the new State office would need a fully loaded personal computer network server plus installation and linkage at a cost of about \$5,500.

Transferring responsibilities relating to notoriety of crimes contracts from the Attorney General to the special secretary would necessitate the hiring of an assistant attorney general in accordance with provisions in the State Government Article that the Attorney General "represent and otherwise perform all of the legal work for each officer and unit of the State government."

Accordingly, special fund expenditures could increase by an estimated \$150,087 in fiscal 2004, which accounts for the bill's January 1, 2004 effective date. This estimate reflects the cost of hiring one special secretary, an executive assistant to the special secretary, and an assistant attorney general to establish and operate the State Office for Victims and Witnesses of Crime as a subcabinet level unit of State government. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- all current personnel and equipment from the existing agencies would transfer to the new office;
- the annual rent payments now being made by the Criminal Injuries Compensation Board (\$31,477) would be available to contribute towards rent payments for a new location for the office; and
- the only new State costs represent salaries, fringe benefits, equipment, and operating costs associated with the three new positions, plus the \$5,500 computer network server.

Salaries and Fringe Benefits	\$124,542
Equipment	13,100
Additional Fixed Charges - Rent	8,000
Operating Expenses	<u>4,445</u>
Total FY 2004 State Expenditures	\$150,087

Future year expenditures reflect: (1) full salaries with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses. The Department of Legislative Services assumes that all such additional costs could be met

without the need for any general fund contributions to the new office by utilizing special fund and federal fund allotments to the Criminal Injuries Compensation Fund and the Victims of Crimes Fund.

Additional Comments: Under the bill, the Victim and Witness Protection and Relocation Program would continue to be administered by the State's Attorneys' Coordination Council.

Additional Information

Prior Introductions: In 2002, HB 455 received an unfavorable report from the House Judiciary Committee.

Cross File: SB 254 (Senator Stone) – Judicial Proceedings.

Information Source(s): Department of State Police, Governor's Office of Crime Control and Prevention, Office of the Attorney General, Department of Public Safety and Correctional Services, Department of Legislative Services

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