

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 154

(Senator Jimeno)

Judicial Proceedings

Judiciary

Criminal Procedure - Criminal Justice Information System

This bill requires the fingerprinting of a defendant who receives probation before judgment, for inclusion in State criminal history records. The bill also repeals a provision that gives a sentencing judge discretion to order that a defendant charged with a “petty offense” be fingerprinted. In addition, the bill alters the ex officio membership of the Criminal Justice Information Advisory Board by adding the Director of the Maryland Justice Analysis Center of the Department of Criminology and Criminal Justice of the University of Maryland, and by eliminating two of the three members recommended by the Secretary of Public Safety and Correctional Services. The bill makes every advisory board member a voting member.

Fiscal Summary

State Effect: None. The bill’s requirements could be handled with the existing budgeted resources of the Judiciary and the Department of Public Safety and Correctional Services (DPSCS).

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Criminal Justice Information Advisory Board is in the (DPSCS for administrative and budgetary purposes only. It consists of the following 22 members:

- one member of the Senate appointed by the President;
- one member of the House of Delegates appointed by the Speaker;
- three members from the judicial branch of State government appointed by the Chief Judge of the Court of Appeals;
- the Executive Director of the Governor’s Office of Crime Control and Prevention;
- three members recommended by the Secretary of DPSCS (only one of whom is designated by the Secretary as a voting member);
- two members who are executive officials from State, county, or municipal police units;
- the Director of the Maryland Justice Analysis Center of the Department of Criminology and Criminal Justice of the University of Maryland;
- two elected county officials;
- the Attorney General;
- one elected official of a municipal corporation;
- one State’s attorney;
- one member of the State Council on Child Abuse and Neglect;
- one representative of the Department of Health and Mental Hygiene;
- one representative of the Department of Juvenile Justice;
- one representative of the Motor Vehicle Administration; and
- one member from the public.

All members are appointed by the Governor, except for ex officio members and members appointed by the President of the Senate, the Speaker of the House, or the Chief Judge of the Court of Appeals. All members serve three-year terms without compensation, but are entitled to expense reimbursements under the standard State travel regulations.

If a defendant was not fingerprinted at the time of arrest for the sentenced crime, the sentencing judge must order the defendant to be fingerprinted by the appropriate and available law enforcement unit when the defendant: (1) is found guilty or pleads guilty or *nolo contendere* to a crime that is reportable as criminal history record information; and (2) is sentenced to commitment in a local correctional facility or receives a suspended sentence, probation, other than probation before judgment, or a fine. If the crime charged is a crime defined by law or rule of court as a “petty offense,” a judge has discretion to order that the defendant be fingerprinted.

There are currently 23 events that are statutorily required to be reported to the Criminal Justice Information System Central Repository.

Background: The advisory board provides oversight of Criminal Justice Information System (CJIS), and provides advice and recommendations to the Secretary of Public Safety and Correctional Services and the Chief Judge of the Court of Appeals.

CJIS is the database containing the criminal history record information reflecting the official fingerprint-supported criminal record of each offender charged and adjudicated in Maryland. The CJIS Central Repository is administratively managed by DPSCS and is designated by the FBI as Maryland's State identification bureau for the exchange of criminal history records.

In recent years the scope of authorized and mandated record checks has expanded into areas with noncriminal justice purposes. These areas include a range of business and professional licensing purposes as well as employment in various childcare, educational, and recreational settings. Federal laws have expanded criminal history record checks to include caregivers who serve children, the elderly, and the disabled. Since 1994 the repository has housed fingerprint-supported records of certain juveniles adjudicated delinquent for some serious crimes. The repository has housed records of the issuance and withdrawal of juvenile writs of attachment since 1998.

Additional Information

Prior Introductions: None.

Cross File: HB 104 (Delegate Hutchins) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), University System of Maryland, Department of Public Safety and Correctional Services (Information Technology and Communications Division), Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2003
mld/cer Revised - Senate Third Reader - March 25, 2003
Revised - Enrolled Bill - April 21, 2003

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510