

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 118 (Senator Green)

Judicial Proceedings

Judiciary

Criminal Procedure - Counterfeiting of Orders for Money or Goods -
Concurrent Jurisdiction of Trial Courts

This bill provides that the District Court and circuit courts have concurrent jurisdiction in cases involving counterfeit orders for money or goods.

Fiscal Summary

State Effect: Any increase in caseload for the District Court could be handled with existing budgeted resources. Revenues would not be materially affected.

Local Effect: The bill would not have a significant effect on circuit court operations or finances.

Small Business Effect: None.

Analysis

Current Law: With certain exceptions, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony. Felony cases are generally within the jurisdiction of the circuit courts. Current exceptions include such felonies as theft, counterfeiting (see below), writing bad checks, insurance fraud, identity fraud, and cruelty to animals.

With certain exceptions, the District Court has exclusive original jurisdiction in a criminal case in which a person at least 18 years of age or a corporation is charged with commission of a common law or statutory misdemeanor, regardless of the amount of money or value of the property involved.

The District Court currently has concurrent jurisdiction with the circuit court to try cases for violation of laws prohibiting:

- counterfeiting private instruments and documents, a felony;
- issuing counterfeit private instruments and documents, a felony;
- possessing a counterfeit title to a motor vehicle, a misdemeanor; and
- counterfeiting public documents, a felony.

Counterfeiting orders for money or goods is a felony.

State Fiscal Effect: This bill could result in a minimal shift in cases from the circuit courts to the District Court.

Additional Information

Prior Introductions: HB 526 of 2002, which would have provided the District Court and circuit courts with concurrent jurisdiction in felony and misdemeanor cases involving counterfeiting, forgery, and credit card offenses, passed the House with amendments and received a hearing in the Judicial Proceedings Committee, but no further action was taken. A similar bill, HB 706 of 2001, passed the House with amendments and passed the Senate on second reading with amendments, but no further action was taken.

Cross File: None.

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

Fiscal Note History: First Reader - February 3, 2003
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