

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 425 (Senator McFadden)
(By Request - Baltimore City Administration)

Judicial Proceedings

Judiciary

Baltimore City - Issuance of Citations - Gambling

This bill authorizes police officers in Baltimore City to issue citations for gambling.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures.

Local Effect: Efficiency savings for Baltimore City Police Department. Potential minimal increase in fine revenues and circuit court expenditures.

Small Business Effect: None.

Analysis

Bill Summary: A citation must be based on probable cause. It must include:

- the name and address of the person charged;
- the statute allegedly violated;
- the location, date, and time that the violation occurred;
- the fine or term of imprisonment that may be imposed;
- a notice stating that prepayment of a fine is not allowed (so that the individual must appear in court when summoned);
- a notice that the court shall promptly send the person charged a summons to appear for trial; and

- the signature of the police officer issuing the citation.

A police officer who issues a citation must forward a copy to the appropriate court, which is to promptly schedule the case for trial and summon the defendant to appear. Willful failure of the defendant to respond to the summons is contempt of court.

Current Law: The maximum penalty for a covered gambling violation is one year imprisonment and/or a fine of \$1,000.

Law enforcement officers statewide must appear before a District Court Commissioner to file an application for charges against a defendant, or arrest a defendant without a warrant, under specific circumstances. When a law enforcement officer makes an arrest, the officer must transport the offender to the police station and fill out the necessary paperwork, which can take the officer off the street for up to two hours.

Each defendant is detained, until the defendant can be brought before a District Court Commissioner. The commissioner decides whether probable cause exists to charge the defendant with a crime, whether the defendant should be detained or released pending trial, and determines whether bail should be set and any other conditions of release.

State Fiscal Effect: In fiscal 2003, there were two gambling charges filed in Baltimore City. It is unclear whether this bill would lead to additional charges of similar violations. If it does, additional revenues from fines paid in District Court cases could be realized, and additional general fund expenditures for State incarceration costs, if more people are committed to DOC facilities, could be incurred. Given the small number of gambling charges, these increases are expected to be minimal. The Division of Parole and Probation, which pays the cost of housing pretrial detainees in Baltimore City, advises that the bill should have no fiscal or operational impact.

Persons sentenced in Baltimore City, regardless of length of sentence, are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$350 per month. Excluding medical care, the average variable costs total \$120 per month.

Certain District Court expenditures will decrease minimally because those charged with a covered offense will no longer be brought before a District Court Commissioner.

The Judiciary advises that if additional charges were covered, it would incur a one-time \$12,500 charge to revise, reprint, and disseminate new uniform citations. Given the

small number of anticipated gambling charges, the arresting officer would make a manual entry on the current citation form, at no additional cost.

Baltimore City revenues could increase minimally due to increased fine revenue from cases heard in the Circuit Court for Baltimore City. Circuit court expenses could increase minimally, if the bill results in additional trials in circuit court.

Additional Information

Prior Introductions: None.

Cross File: HB 787 (Delegate Marriott)(By Request – Baltimore City Administration) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Baltimore City, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2004
ncs/jr Revised - Senate Third Reader - March 26, 2004

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