

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 208

(The President) (By Request – Administration)

Judicial Proceedings

Judiciary

**Criminal Procedure - Criminal Justice Information Advisory Board -
Membership and Duties**

This Administration bill changes the termination date for the Commission on Public Safety Technology and Critical Infrastructure from June 30, 2006 to June 30, 2005. The bill increases the membership of the Criminal Justice Information Advisory Board from 22 to 25 by adding the State Chief Information Officer, the Executive Director of the Governor's Office of Homeland Security, and one additional elected official from a municipal corporation, as specified.

The bill is effective July 1, 2005.

Fiscal Summary

State Effect: Terminating the Commission on Public Safety Technology and Critical Infrastructure one year earlier would not have a significant impact on the operations or finances of the Governor's Office of Crime Control and Prevention (GOCCP). Any additional responsibilities for the advisory board and any additional expense reimbursements (for adding three members) are assumed to be absorbable with existing budgeted resources. Any potential costs or savings associated with future recommendations of the board cannot be readily predicted or quantified at this time.

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

Analysis

Bill Summary: Responsibilities for the advisory board are increased by requiring the board to advise and make recommendations, as specified, to ensure the compatibility and interoperability of communication and information management systems maintained by the Judiciary and State public safety units. The board is also required to recommend any legislation for consideration by the Governor and the General Assembly related to the compatibility and interoperability of such systems maintained by State, county, and municipal public safety units.

The board is required to submit a report on interoperability by December 1 each year to the Governor and the General Assembly.

Current Law: The Commission on Public Safety Technology and Critical Infrastructure was created by Chapter 277 of 2002. The commission recommends standards, procedures, and protocols to the Chief Judge of the Court of Appeals to ensure the compatibility of the communication and information management systems of the Judiciary. Regulations to ensure the compatibility and operability of information management systems maintained by State, county, and municipal public safety units are adopted by the commission. Furthermore, the Chief Judge of the Court of Appeals, the Department of Budget and Management, the Senate Budget and Taxation Committee, and the House Commerce and Government Matters Committee are advised by the commission on whether communication and information management systems supported by State funds meet standards.

The commission is chaired by the Executive Director of GOCCP. It has seven appointed members and the following *ex officio* members: Chief Judge of the Court of Appeals; Secretary of Health and Mental Hygiene; Secretary of Human Resources; Secretary of Juvenile Justice; Secretary of Public Safety and Correctional Services; Secretary of State Police; Secretary of Transportation; Chief of Information Technology; Director, Maryland Emergency Management Agency; and Executive Director, Maryland Institute for Emergency Medical Services Systems. Staffing and administrative duties are performed by GOCCP.

The Criminal Justice Information Advisory Board is in the Department of Public Safety and Correctional Services (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 Public Safety and Correctional Services (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 Services;
- 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.

Background: The advisory board provides oversight of the 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 child care, 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 243 (The Speaker) (By Request – Administration) – Judiciary.

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

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