

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 689 (Delegate Fulton)
Environmental Matters

**Baltimore City - Traffic Control Signal Monitoring System Penalties - Funding
for Prosecution of Gun Offenses**

This bill requires that 50% of the funds received from uncontested red light camera citations in Baltimore City must be allocated to the Baltimore City State's Attorney's Office for the prosecution of gun offenses.

The bill has prospective application.

Fiscal Summary

State Effect: This bill does not directly affect State finances or operations.

Local Effect: Projected reduction of \$3 million in revenues from uncontested red light camera citations for Baltimore City. Projected increase of \$3 million for the Baltimore City State's Attorney's Office for FY 2006. Out-years fluctuate depending on the number of citations and the number of drivers that choose to pay the citations. **This bill imposes a mandate on Baltimore City.**

Small Business Effect: None.

Analysis

Current Law: The State and political subdivisions are authorized to operate red light cameras on any roads or highways in the State. A traffic citation issued from automated red light camera enforcement must notify the recipient that he/she may stand trial by providing at least five days notice prior to the payment deadline. The issuing agency must forward to the appropriate District Court a copy of the citation and a copy of the

notice of the recipient's intent to stand trial. When the District Court receives this information, the case must be scheduled for trial and the defendant notified of the trial date.

Fines in uncontested red light camera enforcement cases are paid directly to the issuing political subdivision. For contested cases, any fines or penalties collected by the District Court are remitted to the Comptroller for distribution to various transportation-related funds.

Background: The Baltimore City State's Attorneys Office advises that the majority of gun offenses are prosecuted by their Homicide Unit and the FIVE (Firearm Investigations and Violent Enforcement) Unit. For fiscal 2003, 1,073 defendants were prosecuted for gun offenses by these two units. There may have been other gun offenses prosecuted by other units within the office.

Chapter 315 of 1997 authorized automated red light camera enforcement in Maryland. Except for Baltimore City, local jurisdictions are required to submit notification to the State Highway Administration (SHA) if cameras will be placed on or in the vicinity of a State highway right-of-way. SHA then completes an engineering evaluation of the traffic signal operation and the traffic patterns to ensure that automated enforcement will address specific traffic problems and not just increase revenue for the jurisdiction.

According to SHA, in addition to Baltimore City, the counties of Anne Arundel, Baltimore, Charles, Harford, Howard, Montgomery, Prince George's, and Wicomico use automated red light camera enforcement. Each jurisdiction receives the revenue from the uncontested citations for use without restriction.

Local Revenues: Baltimore City advises that this bill could mean a \$3 million reduction in revenues in fiscal 2006. The projected revenue from red light camera enforcement for fiscal 2005 is \$6 million; in fiscal 2004, Baltimore City received \$11.1 million. The revenue from uncontested red light camera citations is used for roadway repair, maintenance, and resurfacing. Revenue from red light cameras may decrease in future years as driver compliance increases.

The Baltimore City State's Attorney's Office advises that if \$3 million was allocated to the office in fiscal 2006, the office would be able to hire up to 10 more prosecutors, finance expert witness testimony, arrange for more discovery, and document production. Each prosecutor costs from \$50,000 to \$80,000 annually, including fringe benefits. One of the two units that are primarily responsible for gun prosecutions, the FIVE Unit, is primarily grant-funded with federal funds and a grant from the State. The federal funding generally has a duration of three years only. Any prosecutors hired with federal funds have to be laid off when the federal grant expires. The office advises that the additional

revenue source would enable the office to retain more prosecutors since their salaries would not be dependent on federal grants.

Local Expenditures: Baltimore City should be able to allocate the revenues to the State's Attorney's Office as required by the bill with existing resources.

Additional Comments: Baltimore City advises that the fiscal 2005 budget for the Baltimore City State's Attorney's Office is \$23.8 million. For the same period, Baltimore City has budgeted about \$17.6 million for the office. The rest of the State's Attorney's budget is \$2.2 million in federal funds, \$3.9 million from the State, and \$50,000 in special funds. Baltimore City also advises that it spends more local funds on the State's Attorney's Office than any other local jurisdiction in the State.

The Baltimore City State's Attorney's Office advises that the grant to the office from the fiscal 2006 Governor's allowance includes \$1,985,000 for the prosecution of gun offenses in Baltimore City, as well as funding for other functions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Baltimore City, Office of the Attorney General, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2005
mp/hlb

Analysis by: Karen D. Morgan

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