

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 186
Judiciary

(Delegate Shewell, *et al.*)

Courts - Jury Duty - Payment to Jurors

This bill increases the State juror per diem for the fourth and fifth days of service from \$15 to \$50.

The bill goes into effect July 1, 2006.

Fiscal Summary

State Effect: General fund expenditures would increase, perhaps significantly, for increased juror per diem payments. Revenues would not be affected.

Local Effect: Potential increase in expenditures for circuit courts for computer reprogramming costs.

Small Business Effect: None.

Analysis

Current Law: Pursuant to Chapter 596 of 2005 (HB 1185), a juror must receive a State per diem amount of \$15 for the first five days the juror attends court. After the fifth day of service, jurors receive \$50 per day. Each county and Baltimore City may supplement the State per diem amount by local ordinance.

Background: According to the April 2005 *ABA Journal*, juror payments range from \$6 per day in Texas to \$50 per day in Connecticut.

In 2004, Arizona established the “Lengthy Trial Fund,” imposing a \$15 surcharge on civil court filings to pay a full or partial earnings replacement or supplementation to jurors who serve for more than 10 days and receive less than full compensation from their employers. In its income-based system, jurors receive \$12 for the first three days of service, at least \$40 but no more than \$100 for the fourth through tenth days, and no more than \$300 per day starting on the eleventh day.

State Expenditures: General fund expenditures would increase, perhaps significantly, for increased juror per diem payments. Revenues would not be affected.

The Administrative Office of the Courts (AOC) paid \$2.2 million in juror reimbursement fees in fiscal 2005, based on the then current payment rates. AOC advises that it does not have records of the exact number of jurors, because their costs are based on the number of jurors multiplied by the number of days (juror days). Also, there are no uniform reporting requirements for jury service statistics by jurisdictions to AOC.

The number of possible jury trials (not including jury trial prayers from the District Court) varies considerably by jurisdiction, ranging from 410 in Garrett County to more than 45,000 in Baltimore City in fiscal 2004.

Legislative Services advises, *for illustrative purposes only*, that from July 2005 through November 2005, Baltimore City, one of the jurisdictions with the largest number of jury trials, had 266 jurors serving on four day trials and 190 jurors serving on trials lasting five days or more. Assuming that these numbers remain constant, a \$50 per diem beginning on the fourth day would increase State expenditures by \$67,830 for Baltimore City alone.

Similarly, during fiscal 2005, Montgomery County had 12 civil trials and 7 criminal trials lasting 4 days; 23 civil trials lasting 5 days or more; and 17 criminal trials lasting 5 days or more. Assuming that these numbers remain constant, increasing the juror per diem to \$50 for the fourth and fifth days of service would increase State expenditures by \$32,865 for Montgomery County alone.

Local Fiscal Effect: Circuit court expenditures may increase minimally due to computer reprogramming costs required to provide for the increased reimbursements after the third day. The increase will vary by jurisdiction to the extent that the jurisdictions have staff to reprogram the computers and that counties use varying methods to maintain jury rosters for payment purposes.

Additionally, counties currently make juror reimbursements and are subsequently reimbursed by AOC. Therefore, there will be an initial increase in local expenditures due

to the increase in the juror per diem, but the monies will be recouped upon payment by the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Circuit Court for Baltimore City, Circuit Court for Montgomery County, Department of Legislative Services

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ncs/jr

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