

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 685

(Cecil County Senators)

Judicial Proceedings

Judiciary

Criminal Procedure - Pretrial Release - Posting of Bond Without Appearance of Defendant

This bill permits a defendant, after appearing in person before the commissioner or judge in a case, to post bond by means of electronic transmission or hand delivery of documentation without appearing before the commissioner or judge. The posting of a bond in this manner must be authorized by the county administrative judge in circuit court, or by the Chief Judge of the District Court in District Court.

The bill changes the bond posting procedure notwithstanding Maryland Rule 4-217(g), which provides that a bond must be executed and acknowledged by the defendant.

Fiscal Summary

State Effect: If authorized by Chief Judge of the District Court, District Court expenditures could decrease accounting for reduction in staff needed to collect bail bonds.

Local Effect: If authorized by the county administrative judge, local expenditures could decrease accounting for reduction in staff needed to collect bail bonds.

Small Business Effect: None.

Analysis

Current Law / Background: Under Rule 4-217, a bail bond posted as a condition of pretrial release may be taken by any clerk, District Court commissioner, or other person

authorized by law. The person who takes the bond must deliver it to the court in which the charges are pending. The bond must be executed and acknowledged by the defendant in person before the person who takes the bond.

State Fiscal Effect: If the Chief Judge of the District Court authorized the posting of bonds by electronic transmission or hand delivery, District Court expenditures could decrease by making the process of bond posting more efficient.

However, the Judiciary advises that this bill does not address who is authorized to collect bail bonds, which parties are responsible for the distribution of paperwork, and who would generate the release. The bill also appears to remove any obligation for the defendant to be made aware of the terms and conditions of his or her release. Because of these concerns, the Judiciary advises that it may be difficult for the Chief Judge to authorize these procedures.

Local Fiscal Effect: If the county administrative judge within a circuit court jurisdiction authorizes the posting of bonds by electronic transmission or hand delivery, local circuit court expenditures could decrease by making the process of bond posting more efficient. For example, Cecil County estimates that its expenditures will decrease \$92,000 in fiscal 2008, accounting for the bill's October 1 effective date. The county could experience an expenditure decrease of approximately \$655,000 over the next five years, accounting for annualization and inflation. This decrease reflects a staff reduction of one deputy sheriff, and the alleviated need to hire additional deputies in the future due to rapid county growth.

However, as mentioned above, the Judiciary advises that the lack of specificity in this bill regarding the bond posting process may make authorization of these procedures difficult. If the procedures are not authorized, there will be no fiscal effect on local governments.

Additional Information

Prior Introductions: None.

Cross File: HB 337 (Cecil County Delegation) – Judiciary.

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

Fiscal Note History: First Reader - February 9, 2007
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