

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 459 (Chair, Judiciary Committee) (By Request – Maryland
 Judicial Conference)

Judiciary

Judicial Proceedings

District Court - Citations

This bill authorizes the issuance of traffic citations in an electronic format.

The bill has prospective application.

Fiscal Summary

State Effect: General fund expenditures in the District Court increase by \$248,000 in FY 2008 for implementation of the electronic payment system for the electronic citation program. This amount is included in the proposed fiscal 2008 budget for the Judiciary. Ongoing expenditures would be absorbed within existing resources. Transportation Trust Fund (TTF) expenditures increase by \$45,000 in FY 2008 only for computer programming modifications. Greater efficiencies in issuing traffic citations could minimally offset expenditures. The Department of State Police could implement the provisions of this bill within existing resources. No effect on revenues.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	248,000	0	0	0	0
SF Expenditure	45,000	0	0	0	0
Net Effect	(\$293,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potentially significant equipment expenditures for local governments that choose to participate in this program. Expenditures could be offset by the provision of implementing software and training at no cost and greater efficiencies in issuing traffic citations.

Small Business Effect: None.

Analysis

Bill Summary: Under this bill, the Chief Judge of the District Court is required to authorize the use of a single document for the issuance of multiple traffic citations, which must be separately numbered. The Chief Judge must specify the appropriate manner in which a citation may be: (1) executed by a police officer who must certify, under penalties of perjury, that the facts in the citation are true; and (2) acknowledged by the person receiving the traffic citation. Appropriate means may include a written signature, an electronic signature, or the data encoded on a person's driver's license or identity card. The bill authorizes a police officer to forgo the acknowledgement of a person receiving a citation that includes the summons.

An electronic or written traffic citation will include a notice that the citation is a summons to appear by a court through a trial notice, or that a court will issue a writ containing that information. In addition, a traffic citation will contain all the violations charged and an acknowledgement of the citation that will be executed by the person receiving the citation. The citation must also contain a clear and conspicuous statement that acknowledgement of the citation is not an admission of guilt and failure to acknowledge the citation could subject the person to arrest. A person receiving a citation must comply with the notice to appear contained in a trial notice or writ issued by a court.

A police officer who issues a citation is required to file an electronic or written copy of the citation and keep a written or electronic copy of the citation. If the person cited acknowledges receipt on a written copy of the citation, then the police officer must keep the signed copy to produce as evidence. Other copies of the citation must be disposed of as required by regulations adopted by the Motor Vehicle Administration (MVA). In consultation with the Chief Judge of the District Court, the MVA must adopt regulations to govern the distribution and disposition of electronic, as well as written, traffic citation forms. The bill provides that an electronic or written traffic citation that conforms to State requirements is a sufficient charging document for the prosecution of any traffic offense.

Current Law: The Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, is required to establish uniform procedures for reporting traffic cases in the District Court. The Chief Judge is responsible for the design, printing, and

distribution of arrest and citation forms that must be used by law enforcement statewide, except as otherwise specified. Employees of the MVA are also authorized to issue citations for certain types of motor vehicle offenses.

A police officer is authorized to charge a person with a violation of any provision of the Maryland Vehicle Law, a traffic law or ordinance of any local authority, and other specified laws, if the officer has probable cause to believe a violation is being committed or has been committed. A police officer who charges a person with a violation must issue a written citation. A traffic citation must contain a notice to appear in court, identifying information about the person charged, and specify the violation charged. If multiple offenses are being charged, a separate written citation must be issued for each violation. The citation must also contain the time and location for the court appearance and a statement acknowledging receipt of the citation. The citation must contain a clear and conspicuous statement that acknowledgement is not an admission of guilt and failure to sign could subject the person to arrest. The time specified for hearing must be at least five days after the alleged violation, unless the person demands an earlier hearing.

A police officer must issue a citation to the driver personally, or, if the vehicle is unattended, attach the citation to the vehicle in a conspicuous place. The police officer is required to keep a copy of the citation which bears the officer's certification that the facts contained in it are true, under penalty of perjury. In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the citation. A person may comply with a citation by appearance in person, by counsel, or by payment of the fine specified for the violation.

If the person returns a copy of the citation within the time allowed for payment of the fine, indicating that the facts are not in dispute, a person may request a hearing in lieu of trial regarding sentencing and disposition. A person who requests this hearing waives a right to a trial of the facts and the right to compel the presence of the police officer who issued the citation. Such a hearing may only be requested if the alleged offense is not punishable by incarceration.

If a person fails to comply with the notice to appear, a court may issue a warrant for the person's arrest or notify the MVA of noncompliance, within the time frames specified in statute. After receiving a notice of noncompliance, the MVA must notify the person that he or she is subject to suspension of the driver's license. If a person is arrested and taken before a District Court commissioner, the person must be released on issuance of a written citation if the commissioner, judge, or other public officer of the court is unavailable and the person gives a written promise to appear in court.

A police officer who issues a traffic citation must file the original promptly with the District Court and dispose of other copies in accordance with regulations adopted by the MVA. Once the original copy of a traffic citation is filed with the District Court, the citation may only be satisfied by trial, dismissal or other judicial action, forfeiture of any collateral, if authorized, or payment of a fine.

Background: According to a 2003 analysis by the Bureau of Justice Assistance and the U.S. Department of Transportation, 27 states either use electronic citations, have active pilot projects, or are in the planning stages for this type of process. States currently using electronic citations include California, Colorado, Florida, Iowa, Michigan, Minnesota, Nevada, New York, Ohio, Rhode Island, South Dakota, and Utah. States generally develop their electronic citation programs incrementally, usually beginning with traffic incidents, vehicle inspections, or criminal reports. Data entry is usually accomplished thorough the use of bar code scanning devices, laptops, personal data assistants, or other electronic devices.

States that use some form of electronic citation technology may transmit data directly from a patrol car or handheld device to a computer server at a court. Some states transmit data to a central server that is controlled by state or local authorities and is accessible by courts and administrative offices. Other states send data directly to a central repository at a police headquarters.

Nationally, the study found that an estimated 10% of all written citations annually received by courts nationally contain errors from misspelling, poor handwriting, smudges, and inconsistencies. An electronic system could eliminate most, if not all, of these problems. The study also found that electronic citations could save time and increase the safety and efficiency of officers in the field.

The District Court of Maryland advises that, on average, it manually processes about 1.3 million traffic citations annually. The investigation of an electronic citation process began in June 2003 when the Chief Judge of the District Court gave permission to the Berwyn Heights Police Department to create a computerized version of the Uniform Complaint and Citation form. Since then, eight officers from that police department have been involved in this pilot project. Although the Berwyn Police Department generates a traffic citation electronically, a printed paper copy of the citation is still sent to the District Court's traffic processing center, where it is processed manually. However, the citations are always readable and the forms are filled out completely. The Maryland Department of State Police has recently developed a computerized application to automate production of citations, traffic warnings, and vehicle equipment repair orders. A pilot of electronic warnings is currently operating in Westminster, Bel Air, and the

Baltimore area. The District Court plans to begin accepting and processing the electronic warning data generated by the State Police in the near future to test the planned electronic citation system at higher volumes.

Future development plans for the proposed electronic citation system include extension to citations other than traffic citations, the ability for citizens to access information about citations, and the possibility of automated scheduling of court dates.

State Fiscal Effect:

Judiciary and Department of State Police: Significant implementation of this system has already taken place and has been ongoing since fiscal 2004. The District Court has received federal grants through the State Highway Administration to design and establish the pilot electronic citation program that currently exists. From fiscal 2004 through fiscal 2007, the District Court has spent and plans to spend about \$1.6 million on this program, with most of the costs being provided through grants or being absorbed with existing resources. The total project cost for the District Court is estimated to be \$1,896,660.

Personnel in the Department of State Police designed and implemented the software programs necessary to implement electronic warnings and citations. Out-year expenditures for software maintenance and upgrades will be absorbed with existing resources. The State Police plans to provide its in-house designed software to local governments that wish to participate in the electronic citation program at no additional cost. The department also plans to offer training to participating local law enforcement agencies.

Judiciary: General fund expenditures increase by \$248,000 in fiscal 2008, which accounts for the bill's October 1, 2007 effective date, for implementation of an Internet-based system for the viewing and payment of traffic citations by the public. This amount is contained in the fiscal 2008 budget request for Judiciary. The budget analysis prepared by the Department of Legislative Services (DLS) has recommended that the \$248,000 budget request be made contingent on enactment of this bill. Additional funds could be required for administration, computer upgrades and maintenance, database management, and supplies. The Judiciary advises, however, that it expects to absorb future costs for this project with existing resources.

Assuming the electronic citation system is implemented as planned, general fund expenditures could be offset by additional efficiencies in the processing of citations, fewer invalidations of citations and fewer refunds. Because charging and data entry errors would be reduced under this system, data entry personnel would be able to supplement other staff and functions. The offsetting benefits are dependent, however, on the number of local agencies that agree to participate in the electronic citations system. The process of shifting to electronic citations statewide with participation from all law enforcement agencies would take at least several years. In the budget analysis for the Judiciary, DLS has recommended that a report be provided by November 15, 2007, outlining the project's estimated return on investment. Also included in the report should be a projected timeline for implementing the electronic citations project and the number of clerk positions that would no longer be needed.

Department of State Police: The State Police plans to absorb any expenditures for new equipment within existing resources. Mobile data computers are required to implement electronic citations. The department already initiated a plan three years ago to finance the purchase of mobile data computers for other purposes. This equipment would also be available for the electronic citation project. Fiscal 2007 is the final year of this planned purchase. Accordingly, mobile data computers should be available for the electronic citation program for the Field Operations Division when it is implemented by the department.

Other equipment necessary for the electronic citation program include printers, card readers, and software. The State Police advises the cost of purchase and installation is about \$1,100 per car. Enough equipment would have to be purchased to outfit the entire Field Operations Division (about 950 cars, for a total cost of \$1,048,000). The State Police intends to purchase and install this equipment incrementally as part of its routine upkeep of patrol cars. Federal funds will be sought to defray costs to the extent possible. As a result, the Department of State Police advises that the costs for this equipment could be absorbed with existing resources.

The Department of State Police advises that greater efficiencies in writing traffic citations and fewer injuries to officers could offset its expenditures as the program becomes fully operational.

Motor Vehicle Administration: TTF expenditures could increase by \$45,000 in fiscal 2008 only to provide necessary computer modifications to implement electronic citations.

Local Fiscal Effect: Local governments are not required to participate in the electronic citation program. Those local governments that opt to participate could see some expenditure savings from greater efficiencies in writing citations and fewer injuries to

officers. While participating local governments would receive implementing software and training at no cost from the Department of State Police, they would still incur potentially significant expenditures for the purchase of mobile electronic equipment, printers, card readers, and other equipment to fully implement the program.

Caroline County advises, however, that no significant fiscal impact is anticipated from this bill. On the other hand, the City of Frederick advises that the purchase of special electronic equipment would be \$100,000 in fiscal 2008. Additional costs for system upgrades and training are not quantifiable at this time. Out-year expenditures would be necessary for ongoing replacement of equipment.

Additional Information

Prior Introductions: None.

Cross File: SB 587 (Chair, Judicial Proceedings Committee) (By Request – Maryland Judicial Conference) – Judicial Proceedings.

Information Source(s): City of Havre de Grace, Town of Indian Head, Town of Rising Sun, City of Frederick, City of Glen Arden, Baltimore City, Montgomery County, Prince George’s County, Caroline County, Calvert County, Howard County, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Bureau of Justice Assistance, U.S. Department of Transportation, *The Baltimore Sun*, Department of Legislative Services

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