

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 61

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Juvenile Services)

Judicial Proceedings

Judiciary

Public Information Act - Documents Relating to Arrest Warrants

This departmental bill expands the Department of Juvenile Services' (DJS) access to court files and records relating to arrest warrants and charging documents by repealing a restriction that limits the authority for DJS to access the files and records only for purposes of victim notification. The bill repeals a redundant provision of law that authorizes the Department of Public Safety and Correctional Services (DPSCS) to inspect court files and records relating to arrest warrants for the purposes of victim notification. The bill also establishes that the general prohibitions regarding the inspection of documents relating to arrest warrants and charging documents do not prohibit the release of information by DPSCS or DJS for the purpose of notifying a victim of a probation violation.

Fiscal Summary

State Effect: Expanding access to information relating to arrest warrants will not have a discernible impact on State finances or operations.

Local Effect: Expanding access to information relating to arrest warrants will not have a discernible impact on local finances or operations.

Small Business Effect: DJS 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

Current Law: Generally, unless otherwise ordered by the court, files and records of the court relating to an arrest warrant, including the charging document, may not be open to inspection until either the arrest warrant has been served and a return of service has been filed in compliance with the Maryland Rules or 90 days have elapsed since the arrest warrant was issued. DJS is authorized to inspect court files and records pertaining to an unserved arrest warrant and the related charging document only for purposes of notification of a crime victim. DPSCS is also specifically authorized to inspect documents relating to an arrest warrant for purposes of victim notification, however, as a criminal justice agency, it is already authorized to inspect the documents for any purpose.

Background: DJS advises that this bill will allow staff to check to see if there are outstanding arrest warrants for juveniles under their supervision. Currently, DJS staff only learn of outstanding warrants if the police notify the case manager, the juvenile self-reports, or the case manager learns of it by accident. DJS further indicates that allowing access by staff will provide them with critical information regarding the juvenile's behavior and will allow DJS to work more cooperatively with law enforcement to ensure prompt service of the warrants, which will enhance public safety.

State and Local Fiscal Effect: Expanding access to information relating to arrest warrants may result in additional arrests of juveniles. To the extent that the juveniles are arrested for acts that subject them to the jurisdiction of an adult court, fines and/or sentences of incarceration may be imposed. However, it is not expected that this will have a discernible impact on State or local revenues or incarceration costs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Caroline and Montgomery counties, Baltimore City, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2011
ncs/kdm Revised - Senate Third Reader - March 25, 2011

Analysis by: Jennifer K. Botts

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

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Information Act – Documents Relating to Arrest Warrants

BILL NUMBER: SB 61

PREPARED BY: Department of Juvenile Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.