

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 922
Judiciary

(Delegate Vallario, *et al.*)

Criminal Procedure - Victims' Resource Center - Funding

This bill requires the Governor's Office of Crime Control and Prevention (GOCCP) to sustain the Maryland Crime Victims' Resource Center, Inc. (MCVRC). The bill also increases, from \$3 to \$5, the amount of court costs that must be imposed on a defendant convicted of certain motor vehicle offenses in the District Court. MCVRC will receive \$250,000 in annual State support from fees generated by traffic-related court costs.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: Special fund revenues increase by \$1.2 million annually beginning in FY 2012. Special fund expenditures for grants to MCVRC increase by \$250,000 annually. Any reprogramming costs for the Judiciary are assumed to be minimal. **This bill establishes a mandated appropriation beginning in FY 2012.**

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
SF Revenue	\$1,229,000	\$1,229,000	\$1,229,000	\$1,229,000	\$1,229,000
SF Expenditure	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Net Effect	\$979,000	\$979,000	\$979,000	\$979,000	\$979,000

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

Local Effect: None.

Small Business Effect: MCVRC, a private, nonprofit entity, will receive \$250,000 annually from the collection of certain traffic-related court costs.

Analysis

Bill Summary: The bill requires GOCCP to sustain MCVRC, which must:

- operate a statewide, toll-free information service to provide legal and other information to crime victims and providers of services to crime victims;
- provide information, educational materials, and training concerning victims' legal rights and services;
- maintain a website that includes information about victims' rights and contact information for programs and offices providing assistance to victims;
- assist victims in understanding and exercising their legal rights, provide information to victims about the workings of the criminal and juvenile justice systems, and direct victims to appropriate local resources and agencies that can offer further assistance;
- complement the efforts of State, local, and federal programs, including victim-witness programs, sexual assault centers, domestic violence programs, and child advocacy centers; and
- coordinate with the Maryland Community Services Locator to make information regarding victims' service providers available.

Funding for the victims' resource center must be as provided in the annual State budget and must be used to supplement, but not supplant, funding that the center receives from other sources. On or before January 1 of each year, GOCCP must submit a report to the General Assembly on the victims' resource center as part of its annual report.

The bill also increases, from \$3 to \$5, the amount of court costs that must be imposed on a defendant convicted in the District Court for motor vehicle cases that are not punishable by imprisonment. In addition, the bill alters the distribution of revenue collected from those court costs so that the Comptroller must, for the first \$750,000 collected from this fee, deposit one-third of each fee collected to (1) the Criminal Injuries Compensation Fund (CICF); (2) the State Victims of Crime Fund (SVCF); and the State Victims of Crime Fund for support of MCVRC. Any amounts collected above \$750,000 must be deposited to CICF.

Current Law: MCVRC is a private, statewide nonprofit organization of advocacy and service to the interests of crime victims in Maryland.

Court costs are imposed on a defendant convicted of a crime in the amount of \$45 for the circuit court and \$35 for the District Court. Court costs, in the amount of \$3, are imposed on a defendant convicted of certain motor vehicle offenses in the District Court.

The Comptroller deposits \$22.50 from each fee collected in circuit court and \$12.50 from each fee collected in District Court (excluding fees from motor vehicle cases that are not punishable by imprisonment) into the SVCF, a special fund used for carrying out statutory guidelines for treatment and assistance to victims of crime and delinquent acts. The State Board of Victims Services in GOCCP is responsible for administering the fund.

The Comptroller deposits \$2.50 from each fee collected in circuit courts and the District Court (excluding fees from motor vehicle cases that are not punishable by imprisonment) to the Victim and Witness Protection and Relocation Fund (VWPRF). This is a special fund used to carry out the Victim and Witness Protection and Relocation program which is administered by the States' Attorneys' Coordinator.

All other moneys from these fees are deposited into CICF, a special fund in the Department of Public Safety and Correctional Services (DPSCS), that provides financial assistance for innocent victims of crime. The fund is administered by the Criminal Injuries Compensation Board (CICB).

CICF and SVCF share the first \$500,000 attained from the \$3 assessed in the District Court for motor vehicle cases that are not punishable by imprisonment. After the \$500,000 threshold is reached and each fund has acquired \$250,000, CICF receives the remainder of funding from these fees.

Background: MCVRC was founded in 2002 as an outgrowth of the former Stephanie Roper Committee and Foundation, which was originally incorporated in 1983. MCVRC is a private, nonprofit 501(c)(3) organization with offices in Prince George's County and Baltimore City. According to MCVRC, the center "has diversified its services to include criminal justice education, court accompaniment, therapeutic counseling, support groups, community education, prevention education, legal information and assistance, direct legal representation, policy advocacy, technical assistance for allied professionals and criminal justice agencies, and faith-based referrals."

Over the past five years, MCVRC reports annual income from all sources of between \$1.9 million and \$2.5 million. The federal Office of Victims of Crime (OVC) granted a \$500,000 award in September 2007 to MCVRC to directly assist victims of identity theft and financial fraud. The grant was closed out in January 2011, and is not being renewed. OVC also granted MCVRC a \$650,000 award in September 2010, under the Identity Theft Victim Assistance Networks Program. MCVRC, along with the Federal Trade Commission, the Motor Vehicle Administration, the U.S. Attorney's Office, and detectives from local law enforcement, participated in a law enforcement training program on identity theft conducted in the State at various locations.

State Fiscal Effect: Special fund revenues increase by \$1.2 million annually beginning in fiscal 2012. This estimate is based on the current nonimprisonment traffic caseload level of 614,500 cases annually in the District Court where court costs were imposed. It is projected that the caseload level will remain relatively constant in future years.

Special fund expenditures for grants to MCVRC increase by \$250,000 annually beginning in fiscal 2012. Annual special fund distributions to the Criminal Injuries Compensation Fund will increase by \$979,000. Any reprogramming costs for the Judiciary are assumed to be minimal and absorbable with existing resources.

The bill removes MCVRC from the existing competitive grant process utilized by GOCCP and provides direct State special funds to the organization. This change will remove many accountability and grant oversight responsibilities from GOCCP.

MVOC grant awards are subject to grant management policies and procedures designed to ensure that funding is allocated in accordance with federal and State law and the merits of the applicant. Applications are peer-reviewed and funding decisions are approved by the independent Maryland Victims of Crime Board. GOCCP has established monitoring and oversight policies to ensure that grantees incur only approved expenses and remain in compliance to the defined purpose and scope of the project.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Public Safety and Correctional Services, Department of Legislative Services

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