

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 66

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Public Safety and Correctional Services)

Judicial Proceedings

Judiciary

**Criminal Procedure - Criminal Justice Information System Central Repository -
Reportable Events**

This departmental bill eliminates a requirement that the release of a person after arrest without the filing of a charge must be reported to the Criminal Justice Information System (CJIS) Central Repository.

Fiscal Summary

State Effect: None. The bill's provisions update the statutory list of reportable events to the Central Repository by eliminating an event made obsolete for reporting purposes in 2007.

Local Effect: None.

Small Business Effect: The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The CJIS Central Repository at the Department of Public Safety and Correctional Services (DPSCS) collects, manages, and disseminates Maryland criminal history record information for criminal justice and noncriminal justice purposes. CJIS is a fingerprint-supported system for positive identification. The following events are required reportable events to the Central Repository:

- the issuance or withdrawal of an arrest warrant;
- an arrest;
- the release of a person after arrest without the filing of a charge;
- the filing of a charging document;
- a release pending trial or an appeal;
- a commitment to an institution of pretrial detention;
- the dismissal of an indictment or criminal information;
- a *nolle prosequi*;
- the marking of a charge “stet” on the docket;
- an acquittal, conviction, verdict of not criminally responsible, or any other disposition of a case at or following trial, including a finding of probation before judgment;
- the imposition of a sentence;
- a commitment to a State or local correctional facility;
- a commitment to the Department of Health and Mental Hygiene (DHMH) as incompetent to stand trial or not criminally responsible;
- a release from detention or confinement;
- a conditional release, revocation of conditional release, or discharge of a person committed to DHMH as incompetent to stand trial or not criminally responsible;
- an escape from confinement or commitment;
- a pardon, reprieve, commutation of a sentence, or other change in a sentence, including a change in a sentence that a court orders;
- an entry of an appeal to an appellate court;
- a judgment of an appellate court;
- an order of a court in a collateral proceeding that affects a person’s conviction, sentence, or confinement;
- certain adjudications of a child as delinquent;
- the issuance or withdrawal of a writ of attachment by a juvenile court;
- the initial registration of a sex offender;
- the imposition of lifetime sexual offender supervision; and
- any other event arising out of or occurring during the course of a criminal proceeding that the Secretary of Public Safety and Correctional Services by regulation or the Court of Appeals by rule makes a reportable event.

To avoid duplication in the reporting of criminal history record information, the Secretary by regulation and the Court of Appeals by rule may determine those reportable events to be reported by each criminal justice unit to the Central Repository.

Background: Chapter 63 of 2007 provides that a person who is arrested or confined by a law enforcement unit on or after October 1, 2007, and then is released without being charged with the commission of a crime is entitled to the expungement of all police records, including photographs and fingerprints, relating to the matter and is not required to pay any fee or costs in connection with the expungement. DPSCS advises that Chapter 63 of 2007 renders the subject provision of this bill obsolete.

Reporting information to the CJIS Central Repository is a routine procedure for State and local law enforcement agencies.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Frederick County, Montgomery County, Department of Natural Resources, Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - January 21, 2011
ncs/hlb

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Procedure – Criminal Justice Information System Central Repository – Reportable Events

BILL NUMBER: SB 66

PREPARED BY: Department of Public Safety and Correctional 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.