

Department of Legislative Services
 Maryland General Assembly
 2012 Session

FISCAL AND POLICY NOTE

House Bill 1030 (Delegates Alston and Braveboy)
 Judiciary

District Court - Prince George's County - Masters for Traffic Offenses

This bill requires the judges of the District Court in Prince George’s County to appoint one or more masters to hear nonincarcerable traffic cases. The bill establishes that its implementation may be funded with county revenues from speed monitoring systems.

Fiscal Summary

State Effect: General fund expenditures increase by \$191,600 in FY 2013 to hire one District Court master and related staff. Future year expenditures reflect annualization and inflation. These expenditures may be partially offset to the extent that Prince George’s County revenues from speed monitoring systems are used to fund the bill’s requirements. Potential minimal increase in expenditures due to State law enforcement agencies spending additional time in court.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	191,600	244,600	261,500	273,500	286,000
Net Effect	(\$191,600)	(\$244,600)	(\$261,500)	(\$273,500)	(\$286,000)

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

Local Effect: Prince George’s County may use revenues from speed monitoring systems to implement the bill, but it is not required to do so. Potential minimal increase in expenditures for county law enforcement agencies.

Small Business Effect: None.

Analysis

Bill Summary: A master, at the time of appointment and at all times while serving, must be a member in good standing of the State bar. A master's appointment is subject to approval by the Chief Judge of the Court of Appeals.

A master appointed under the bill may conduct hearings. Each proceeding must be recorded and the master must make findings of fact, conclusions of law, and recommendations as to an appropriate order. The proposals and recommendations must be in writing. Within 10 days after the hearing, the original proposals and recommendations must be filed with the court and a copy served on the defendant and the State's Attorney.

In accordance with the Maryland Rules, the defendant may file written exceptions to any or all of the master's findings, conclusions, and recommendations, but must specify those items to which the defendant objects. A defendant who files exceptions may have a hearing on the record before the court, which must be limited to those matters to which exceptions have been taken. The proposals and recommendations of a master do not constitute orders or final action of the court. The proposals and recommendations must be promptly reviewed by the court and, in the absence of timely and proper exceptions, may be adopted by the court and appropriate orders entered based on them.

If the court, on its own motion and in the absence of timely and proper exceptions, decides not to adopt a portion or all of the master's findings, conclusions, and recommendations, the court must conduct a de novo hearing unless all parties and the court agree to a hearing on the record.

Current Law/Background: District Court judges preside over contested traffic cases. Masters are routinely assigned to hear circuit court matters, including family law cases and juvenile matters. However, the Maryland Court of Appeals has held that a master's status as an "officer of the court" does not confer judicial powers and does not authorize them to preside over criminal prosecutions. (*See, e.g., Harryman v. State*, 359 Md. 492, 754 A.2d 1018 (2000)).

Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Chapter 500 of 2009 expanded statewide the authorization for the use of speed monitoring systems in school zones and highway work zones. Chapter 474 of 2010 authorized the use of speed monitoring systems in Prince George's County on a highway located within the grounds of an institution of higher education or on nearby highways under certain circumstances.

Prepaid penalty revenue from an uncontested citation issued by a speed monitoring system is paid to the relevant political subdivision. From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the systems and may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs.

The fiscal 2013 *Analysis of Need for Additional Judgeships in the Judicial Branch* indicated a need for two additional judges for Prince George’s County District Courts. The report also referenced a 47% increase in the past five years of payable traffic, parking, and red light/speed camera cases. The Judiciary advises that in fiscal 2011, of the 200,771 payable traffic citations filed in Prince George’s County, 100,781 were paid.

State Fiscal Effect: Although the bill authorizes its implementation to be funded with Prince George’s County revenue from speed monitoring systems, it does not require this funding source. Because operations of the District Court are entirely State-funded, for purposes of this analysis it is assumed that the Judiciary, and not Prince George’s County, will be responsible for covering the cost to implement the bill. The bill authorizes the appointment of one or more masters, but for purposes of this analysis it is assumed that only one master will be appointed. Accordingly, general fund expenditures increase by \$191,600 in fiscal 2013, which accounts for the bill’s October 1, 2012 effective date. This estimate reflects the cost of hiring one master, as well as an additional bailiff and court clerk, to hear nonincarcerable traffic violations. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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Salaries and Fringe Benefits	\$151,747
Operating Expenses	<u>39,872</u>
Total FY 2013 State Expenditures	\$191,619

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. Because the fiscal 2013 *Analysis of Need for Additional Judgeships in the Judicial Branch* indicated that there was space available to accommodate the requested two additional requested judges, it is also assumed that existing space will be used for the new hearings before the master. The Judiciary can use existing resources to adopt new policies and procedures to implement the bill.

In addition, the bill may result in law enforcement officers spending additional time in court, as officers will be required to attend a hearing before a master, then make a second appearance before a judge if the findings of the master are not adopted. Accordingly, State expenditures may increase to the extent that the bill results in State law enforcement officers spending additional hours in court for traffic violations.

Local Fiscal Effect: As previously mentioned, although specified Prince George's County revenues are authorized to be used for implementation, the bill does not require the county to use revenue from speed monitoring system to fund costs associated with the proposed new District Court master. To the extent that Prince George's County elects to provide funding, the State general fund expenditures specified above will be offset by county revenues. In addition, local law enforcement expenditures may also increase to the extent that the bill results in officers spending additional hours in court for traffic violations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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