

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1460
Judiciary

(Delegate Conway, *et al.*)

Court Costs - Criminal Cases - Funding for Law Enforcement

This bill requires a court to impose an additional court cost of \$7.50 on a defendant convicted of a felony or a misdemeanor that is not a motor vehicle violation. The Comptroller is required to deposit \$3.75 of the new court cost into the State Law Enforcement Equipment Fund and remit the remaining \$3.75 to the law enforcement agency that issued the citation or completed the police report associated with the case. The bill also adds to the definition of “law enforcement equipment” to include video recording devices worn on the body and electronic control devices.

Fiscal Summary

State Effect: Special fund revenues may increase by approximately \$21,400 annually based on a 9% actual collection rate. General fund expenditures increase by \$172,400 in FY 2013 for one-time computer modification costs at the Judiciary.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
SF Revenue	\$21,400	\$21,400	\$21,400	\$21,400	\$21,400
GF Expenditure	\$172,400	\$0	\$0	\$0	\$0
Net Effect	(\$151,100)	\$21,400	\$21,400	\$21,400	\$21,400

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

Local Effect: Potential annual revenue increases for local law enforcement agencies from both the Law Enforcement Equipment Fund and remissions of half of the new court cost assessment in criminal cases.

Small Business Effect: None.

Analysis

Current Law: The Law Enforcement Equipment Fund was created by Chapter 603 of 2001 to assist local law enforcement agencies in acquiring equipment needed to address violent crime. The fund is required to consist of money appropriated in the State budget. The Governor's Office of Crime Control and Prevention (GOCCP) must administer the fund and establish application procedures for grants from the fund.

Local law enforcement agencies applying for aid from the fund must provide specified information to GOCCP. Jurisdictions with the highest incidence of violent crime must be given funding priority. Aid distributed from the fund must be based on the comparative equipment needs of each local law enforcement agency, and used to supplement, and not supplant, other local law enforcement funding. Local law enforcement agencies are required to submit proof of appropriate equipment expenditures. GOCCP is required to report annually, by September 1, on distribution of aid from the fund.

The term "law enforcement equipment" means equipment used for law enforcement purposes and includes body armor, crime tracking technology, photo imaging equipment, surveillance devices, weapons, ammunition, and communication devices.

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. An additional court cost, in the amount of \$3, is imposed on a defendant convicted of certain motor vehicle offenses in the District Court.

Background: The most recent annual report on the fund by GOCCP (January 3, 2012) advises that this fund has never had any monies allocated to it. As a result, no grants from the fund have ever been made.

State Fiscal Effect: The Administrative Office of the Courts (AOC) reports that in fiscal 2011, the District Court had approximately 42,700 guilty dispositions in criminal cases and the circuit courts had approximately 22,000 guilty disposition for all felonies and misdemeanors. Assuming that the courts will not waive the additional post-conviction assessment and the additional court costs are collected in all 64,700 cases annually, additional revenues of \$485,250 would be generated annually under the bill (64,700 x \$7.50), with \$242,625 of that amount being deposited to the Law Enforcement Equipment Fund and the remainder being distributed to a variety of State and local law enforcement agencies.

However, because actual collection rates for court costs and fees have historically been at about 9% annually, the amount actually collected annually from the additional court cost

may only total approximately \$43,700, with \$21,350 going to the fund and an equal amount being shared by law enforcement agencies.

AOC indicates that the bill requires programming changes to be made to cash registers and various database systems in both the District Court and circuit courts. These reprogramming changes are estimated to cost about \$172,400 in fiscal 2013 and, because so many different systems are involved, the changes may involve about 2,900 hours of dedicated work. Legislative Services assumes that all of the work would occur in fiscal 2013 and much of it would be performed simultaneously.

Local Fiscal Effect: Local revenues may increase for law enforcement agencies from both the Law Enforcement Equipment Fund and the remission of half of the new court cost assessment in criminal cases. Under one set of assumptions, these additional revenues could total over \$21,350.

Additional Comments: Legislative Services also notes that another bill this session (HB 1365) shifts responsibilities for the collection of court fines, costs, and fees from the Division of Parole and Probation to the Central Collections Unit (CCU) of the Department of Budget and Management (DBM). While the proposed fiscal 2013 State budget assumes a slightly higher collection rate in fiscal 2013 as a result of this shift, DBM assumes that actual collections will grow by about 6% annually over the next several years. Whether such an outcome is realized cannot be readily predicted.

Additional Information

Prior Introductions: None.

Cross File: Although not identified as a cross file, SB 1055 is identical.

Information Source(s): Montgomery and Prince George's counties, Baltimore City, Governor's Office of Crime Control and Prevention, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 20, 2012
ncs/hlb

Analysis by: Guy G. Cherry

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