

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 846

(Senator Conway)

Judicial Proceedings

Environmental Matters

Courts - Baltimore City Sheriff and Fees for Filing and Service of Process

This bill increases the number of employees in the Baltimore City Sheriff's Office and increases the annual expense allowance for deputy sheriffs. The bill also requires the Chief Judge of the District Court to assess a surcharge of up to \$10 for specified cases filed in Baltimore City and requires the Baltimore City Sheriff to collect a specified surcharge for service in specified cases. The revenue generated from the surcharges must be used to fund the enhancement of sheriff benefits and the increase in personnel to enhance the service of domestic violence orders.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: Special fund revenues from the surcharge in District Court cases increase by \$2.0 million annually beginning in FY 2014; special fund expenditures increase correspondingly for remittance to Baltimore City. General fund revenues decrease by approximately \$540,000 annually beginning in FY 2014, reflecting the termination of a surcharge in specified cases that had been credited to the general fund, as discussed below. General fund expenditures for the Judiciary increase by \$14,400 in FY 2014 only for programming changes.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
GF Revenue	(\$540,000)	(\$540,000)	(\$540,000)	(\$540,000)	(\$540,000)
SF Revenue	\$2,023,500	\$2,023,500	\$2,023,500	\$2,023,500	\$2,023,500
GF Expenditure	\$14,400	\$0	\$0	\$0	\$0
SF Expenditure	\$2,023,500	\$2,023,500	\$2,023,500	\$2,023,500	\$2,023,500
Net Effect	(\$554,400)	(\$540,000)	(\$540,000)	(\$540,000)	(\$540,000)

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

Local Effect: Baltimore City revenues increase by \$2.2 million annually due to the additional surcharges. Baltimore City expenditures increase by at least \$1.7 million annually for 23 new positions within the sheriff's office.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Baltimore City Sheriff's Office

Under current law, the Sheriff in Baltimore City must appoint specified personnel, including two deputy sheriff majors, two deputy sheriff captains, and four deputy sheriff lieutenants. The sheriff may appoint up to a maximum of seven deputy sheriff sergeants and 90 deputy sheriffs. This bill requires the appointment of three deputy sheriff majors, three deputy sheriff captains, and six deputy sheriff lieutenants. It also allows the sheriff to appoint up to nine deputy sheriff sergeants, 103 deputy sheriffs, two domestic violence clerks, and two domestic violence advocates.

Under current law, in addition to any other compensation received, deputy sheriffs must receive an expense allowance of \$200 annually for specified items. This bill increases the annual allowance to \$400.

Surcharge in District Court Cases

Currently, filing fees for summary ejectment cases in Baltimore City are \$16, which includes an \$8 surcharge for the Maryland Legal Services Corporation (MLSC). In addition, Chapter 516 of 2005 (SB 916) authorized a surcharge of \$4 for summary ejectment filings in Baltimore City, with the proceeds from the surcharge required to be remitted to the Baltimore City Sheriff's Office. Although authorization for the surcharge terminated June 30, 2007, the Judiciary has advised the Department of Legislative Services that in its preparation to implement this bill, it became aware that it has continued to collect the \$4 surcharge and has been crediting the proceeds to the general fund.

Filing fees for most other civil cases are \$38, which includes an \$18 surcharge for MLSC. This bill requires an additional surcharge of up to \$10 per case for the following cases filed in Baltimore City (1) summary ejectment; (2) tenant holding over; (3) breach of lease; and (4) warrant of restitution. The revenue generated from the surcharge must be remitted quarterly to the Baltimore City Director of Finance and used to fund the

enhancement of sheriff benefits and the increase in sheriff personnel to enhance the service of domestic violence orders.

Sheriff's Fees

Sheriffs collect fees for service in various cases, as specified in statute. A sheriff collects a fee of \$40 for a writ of execution and a \$60 fee for service of paper originating from a foreign court. This bill requires an additional maximum surcharge of \$60 for service of a writ of execution and \$40 for service of a paper originating from a foreign court. Revenue from these surcharges must also be used to fund the enhancement of sheriff benefits and the increase in personnel to enhance the service of domestic violence orders.

Background: The Baltimore City Police Department has the responsibility to serve domestic violence protective orders. In fiscal 2012, the police department served 8,891 protective orders. The police department has previously advised that it takes approximately 24 minutes to process a protective order once it is received from the District Court and over two hours per service attempt.

State Fiscal Effect: Special fund revenues increase by an estimated \$2,023,500 annually due to the additional \$10 surcharge for the specified cases filed in District Court. Special fund expenditures increase by a corresponding amount to remit the revenue to the Baltimore City Director of Finance. The estimate is based on information submitted by Baltimore City regarding filings and collections in calendar 2011. In that year, fees were collected from 135,000 summary of ejectment cases that were filed. Filings from which fees were collected for tenant holding over, breach of lease, and warrant of restitution cases totaled 67,350 during the same period. The estimate assumes that filings and collections remain constant.

General fund revenues decrease by an estimated \$540,000 annually beginning in fiscal 2014, reflecting the surcharge revenue that will no longer be directed to the general fund and instead be remitted to Baltimore City. This estimate, based on 135,000 summary ejectment cases in which fees were collected during calendar 2011, assumes that the number of cases for which the fees were collected remains constant, and also that the Judiciary would have continued to collect the \$4 surcharge and remit the proceeds to the general fund, despite not having authorization to do so.

General fund expenditures for the Judiciary increase by \$14,400 in fiscal 2014 only for computer reprogramming expenditures.

Local Revenues: Baltimore City revenues increase by \$2,177,660 annually. This estimate reflects revenues from the surcharge assessed in specified District Court cases,

which is estimated at \$2,023,500 annually, as described above. (This revenue is collected by the District Court, then remitted to the Baltimore City Director of Finance.)

The estimate also includes revenue generated from the surcharge on the service of specified papers, which is collected by Baltimore City and estimated at \$154,160 annually. This estimate is based on filings in calendar 2011, as reported by Baltimore City. In that year, there were 2,356 writ of execution filings and 320 papers originating from a foreign court that were served. The estimate assumes that filings remain constant and that the maximum surcharges are assessed.

Local Expenditures: As required by the bill, surcharge revenue must be used to fund the enhancement of sheriff benefits and the increase in sheriff personnel for the service of domestic violence orders. Baltimore City expenditures increase by \$1,685,912 in fiscal 2014, which reflects additional personnel and associated costs for the sheriff's office. **Exhibit 1** provides estimated expenditures through fiscal 2018.

Exhibit 1
Estimated Expenditures for Baltimore City Sheriff's Office

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
Salaries/Fringe Benefits	\$1,596,312	\$1,628,238	\$1,660,803	\$1,694,019	\$1,727,899
Other Operating Expenses	89,600	91,392	93,220	95,084	96,986
Total Expenditures	\$1,685,912	\$1,719,630	\$1,754,023	\$1,789,103	\$1,824,885

Source: Baltimore City

Although the bill facilitates the transfer of responsibility for the service of domestic violence protective orders from the Baltimore City Police Department to the sheriff's office, it is not expected to materially impact the overall workload or expenditures of the police department.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History:
ns/kdm

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