

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1260 (Delegate Metzgar, *et al.*)
 Judiciary

District Court - Nonincarcerable Criminal Cases - Saturdays

This bill requires the District Court to conduct business on those Saturdays that do not fall on a State or federal holiday for criminal cases that fall within the court’s exclusive, original, criminal jurisdiction and that do not carry a penalty of confinement. The Chief Judge of the District Court may adopt rules to carry out this requirement.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$4.99 million in FY 2019 and by at least \$6.66 million annually thereafter. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	4,993,600	6,658,100	6,658,100	6,658,100	6,658,100
Net Effect	(\$4,993,600)	(\$6,658,100)	(\$6,658,100)	(\$6,658,100)	(\$6,658,100)

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

Local Effect: Local expenditures may increase significantly. Local revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Current Law/Background: There are no statutory provisions regarding the hours of operation of the District Court. With the exception of holidays, District Court locations are typically open Monday through Friday from 8:30 a.m. until 4:30 p.m.

State Fiscal Effect: General fund expenditures for the Judiciary increase by at least \$4,993,586 in fiscal 2019, which accounts for the bill's October 1, 2018 effective date, and by at least \$6,658,114 annually thereafter. Revenues are not affected. The information and assumptions used in calculating this estimate are stated below:

- implementation requires one courtroom in each of the District Court's 33 locations that conduct criminal proceedings to be open 52 additional days per year (no federal or State holidays fall on Saturday during calendar 2018 and calendar 2019);
- each location must be open for eight hours each Saturday;
- senior judges (retired judges) are incorporated into the District Court's schedule to allow for Saturday courtroom hours;
- each location requires the following personnel on Saturdays: one judge, four bailiffs (two in the courtroom and two at the entrance of the courthouse for security and directing the public), one floating bailiff to cover the contractual requirement for a break every two hours, one courtroom clerk, one cashier, and one supervisor;
- overtime pay is required for bailiffs and staff on weekends;
- building operations such as janitorial maintenance, electricity, and heating/air conditioning are also required, at a cost of \$1,300 per day per location; and
- fines and fees imposed on Saturdays do not differ from fines and fees imposed on weekdays, and the same number of cases are handled each year.

This estimate does not (1) include additional costs for sheriffs to provide security at the entrances of the Frederick and Upper Marlboro District Court locations (as currently required); (2) account for impacts from a potential reduction in failures to appear due to the availability of Saturday court dates; and (3) account for the potential inability of smaller jurisdictions to accommodate staffing needs for Saturdays with existing personnel.

The Judiciary advises that it cannot require the current complement of judges to work seven days per week and holidays, since doing so would result in an effective reduction of judicial salaries, which is contrary to Article IV, Section 41H of the Maryland Constitution.

According to the Judiciary, traffic case trial dates are set and notices are automatically sent according to officer schedules that are submitted to court locations at regular intervals. Officers may not have dates available on Saturdays, which may lead to postponements in cases if a person intends to plead not guilty and the officer's presence is required. Further

postponements may occur if individuals scheduled for court dates during the work week try to reschedule for a Saturday court date.

The Department of Public Safety and Correctional Services' (DPSCS) Field Support Services Unit advises that if statewide transportation units have to operate during District Court hours on Saturdays, the units will do so by using staff in an overtime capacity. According to DPSCS, the associated overtime costs for the unit may fluctuate due to holidays, closures due to weather, or any other unforeseen incident that may cause a closure of the courts. DPSCS advises that overtime costs associated with the transportation unit are approximately \$265,684 per month. DPSCS expects this figure to increase if the District Court is open for business on Saturdays. However, DPSCS did not provide any further explanation on the unit's duties during Saturday District Court hours. However, the Department of Legislative Services advises that the bill's application to nonincarcerable criminal cases means that DPSCS is not required to provide transport services.

Local Expenditures: Local expenditures may increase significantly to accommodate officer appearances at cases tried on Saturdays. Local law enforcement agencies may experience operational inefficiencies if officers are pulled from patrol duties to attend court on Saturdays. The magnitude of this impact varies by jurisdiction and depends on current capacity for adjustments to coverage.

Anne Arundel County advises that while most of its officers work a rotating schedule which would allow for Saturday court dates, some officers work Monday through Friday. The county relies on those officers and detectives who work Monday through Friday to supplement patrol officers called into court during weekdays. Should the District Court be open on Saturdays, those resources would not be available. The county advises that it plans to continue its current practice of working with the District Court to schedule officers' court dates to minimize overtime. However, the bill increases the county's police overtime budget. The county advises that the extent of this increase requires additional analysis and cannot be reliably determined at this time.

The Montgomery County Police Department (MCPD) also advises that the bill impacts its overtime budget. MCPD also notes that per its collective bargaining agreement, officers must receive three hours overtime pay. Also, liaison staff must be on duty during court hours.

Prince George's County advises that there are minor public safety costs associated with the bill.

Small Business Impact: The bill may have a positive meaningful impact on small businesses if employees do not have to take time off of work to appear in court.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Montgomery, and Prince George's counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

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