

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 180

(Senator Lee, *et al.*)

Judicial Proceedings

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Criminal Procedure - Victim Notification - Dissemination and National Standards

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This bill alters the definition of “disseminate” as it relates to the Criminal Justice Information System (CJIS) to exclude providing information to victims of crime or their representatives. The bill alters the purpose of provisions of law relating to CJIS to include the rights of victims and victims’ representatives to receive information to the extent practicable in accordance with the national victim notification information sharing standards developed by the U.S. Department of Justice (DOJ). In addition, the bill requires the Department of Information Technology (DoIT) to study the victim notification process and make recommendations, as specified. By December 31, 2018, DoIT must report its findings and recommendations to the Governor and the General Assembly. **The bill takes effect June 1, 2018.**

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Fiscal Summary

**State Effect:** Potential significant increase in general fund expenditures to conduct the required study and report. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

### **Bill Summary:** DoIT must:

- analyze the logistics of the current automated victim notification process in the State;
- study the effectiveness of the current interfaces used for automated victim notification in the State and in other jurisdictions, including the cost of other superior interface options and whether it would be possible for Maryland to adopt such options; and
- make recommendations regarding phasing in policies and practices to bring the State into accord with the national victim notification information sharing standards developed by DOJ.

**Current Law:** The CJIS Central Repository within the Department of Public Safety and Correctional Services (DPSCS) collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. Statutory provisions specify events that criminal justice units must report to CJIS's Central Repository.

Generally, the purpose of the subtitle relating to CJIS is:

- to create and maintain an accurate and efficient criminal justice information system in the State consistent with (1) applicable federal law and regulations; (2) the need of criminal justice units in the State for accurate and current criminal history record information; and (3) the right of persons to be free from improper and unwarranted intrusions into their privacy; and
- to provide a basic statutory framework within which (1) a central repository for criminal history record information is created; (2) accurate, relevant, and current criminal history record information to the Central Repository by all criminal justice units is reported; (3) criminal history record information is kept accurate and current; and (4) improper dissemination of criminal history record information is prohibited.

“Disseminate,” with respect to records, means to transmit criminal history record information in any form. “Disseminate” does not include:

- transmitting criminal history record information within a criminal justice unit;
- reporting required criminal history record information, as specified; or

- transmitting criminal history record information between criminal justice units to allow the initiation of subsequent criminal justice proceedings against a person relating to the same crime.

**Background:** The DOJ National Information Sharing Standard for Statewide Automated Victim Information and Notification provides a standards-based approach for all states to create or enhance victim notification services and, ultimately, provide better services to crime victims. The standard provides technical guidance for exchanging victim-related information nationwide, regardless of the type of technology used. Implementations of the standard have been completed in North Dakota, Illinois, Alabama, Montana, and Indiana.

**State Expenditures:** General fund expenditures may increase significantly in fiscal 2019 only for DoIT to complete the required study and make recommendations. Because the bill requires DoIT to complete the required analysis, study, and report by December 31, 2018, DoIT likely needs to hire a team of contractual system evaluators. The number of contractual employees needed is unknown, however, because DoIT does not currently have access to the automated victim notification process in the State, does not know what systems need to be accessed, and does not know the complexity of the systems that it needs to access. In any event, the contractual system evaluators likely need to travel around the State to access systems and need office space, supplies, computers, and background checks. *For illustrative purposes*, the cost to hire 10 contractual system evaluators to perform the necessary analysis, study, and report in the timeframe required by the bill could be as much as \$1.5 million in fiscal 2019.

DPSCS advises that the dissemination requirements under the bill requires the development of procedures to operationalize the process for the Victim Services Unit. Development of the procedures can be handled with existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** SB 1025 of 2017 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 1525, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken.

**Cross File:** HB 269 (Delegate J. Lewis, *et al.*) - Judiciary.

**Information Source(s):** Department of Information Technology; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2018  
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