

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 107

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Office of Crime Control and Prevention)

Judicial Proceedings

Judiciary

**Public Safety - Governor's Office of Crime Control and Prevention and the
Maryland Statistical Analysis Center - Reporting Requirements**

This departmental bill repeals the requirement that the Governor's Office of Crime Control and Prevention (GOCCP) and the Maryland Statistical Analysis Center (MSAC) provide specified reports to the Governor and/or the General Assembly. Instead, the bill requires that GOCCP and MSAC, as specified, post filterable data displays with specified information and summaries to their websites in an easily accessible location. On request, GOCCP must provide, by personal delivery or first-class mail, a paper copy showing the data display and summary of the specified information reported.

Fiscal Summary

State Effect: None. GOCCP can implement the bill's changes with existing budgeted resources.

Local Effect: None.

Small Business Effect: GOCCP has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment.

Analysis

Bill Summary/Current Law:

Reports to the General Assembly – Generally: An official or unit of State government intending to submit or distribute a publication to the General Assembly or an associated committee, staff agency, or employee must submit one copy to the President of the Senate and one copy to the Speaker of the House in the format requested by the President and the Speaker, and five printed copies to the DLS library.

Any publication submitted in fulfillment of a duty imposed by law must specify the law under which the publication is being submitted. The DLS library must catalog and preserve publications submitted as required by law and collect or catalog any other publication that DLS considers necessary or that DLS is directed to collect, catalog, and preserve by the President or the Speaker. DLS must keep a list of submitted publications, periodically send this list to members, and obtain publications on request of a member.

Under the bill, the affected reports are not required to be sent to DLS and DLS is not required to catalog or preserve the information.

Custodial Interrogations: It is the public policy of the State that law enforcement units must make reasonable efforts to record custodial interrogations of criminal suspects in connection with cases involving murder, rape, and first- and second-degree sexual offenses whenever possible. A police department that regularly uses interrogation rooms capable of creating audiovisual recordings must create audiovisual recordings, and a department that does not regularly utilize such interrogation rooms must create audio recordings. *Under current law*, GOCCP must report, by December 31 annually, to specified committees of the General Assembly on the progress of jurisdictions and the Department of State Police (DSP) in establishing interrogation rooms capable of making audiovisual recordings of custodial interrogations. *Under the bill*, beginning December 31, 2018, and annually thereafter, GOCCP must instead place on its website, in an easily accessible location, a filterable data display showing all data collected and a summary of the progress of jurisdictions and DSP in establishing interrogation rooms capable of making audiovisual recordings of custodial interrogations.

Juveniles Charged as Adults: The central repository is required to monthly disseminate information concerning a child charged as an adult to the Maryland Justice Analysis Center of the Institute of Criminal Justice and Criminology of the University of Maryland (now referred to as MSAC of GOCCP). In addition to any reportable event, the central repository must include in its dissemination of information to the center the age, race, and gender of the child. The central repository may not disseminate to the center any unique identifiers relating to a child, as specified, and the information disseminated to the center must be

used only for research, evaluation, and statistical analysis purposes. *Under current law*, by June 30 and December 31 of each year, the center is required to report to the Governor and the General Assembly on the results of its research, evaluation, and analysis. *Under the bill*, each year by June 30 and December 31, MSAC must instead place on its website, in an easily accessible location, a filterable data display showing all data collected and a summary of the results of its research, evaluation, and statistical analysis.

DNA Evidence Collection: *Under current law*, by April 1 of every even-numbered year, DSP and each local law enforcement unit must submit a report to GOCCP on the status of crime scene DNA collection and analysis for the preceding calendar year, as specified. GOCCP must compile the information reported by the local law enforcement units and DSP and submit an annual summary report to the Governor and the General Assembly. *Under the bill*, beginning December 31, 2018 and in every even-numbered year thereafter, GOCCP must instead place on its website in an easily accessible location a filterable data display showing all data collected and a summary of the information reported.

Deaths Involving Law Enforcement Officers: Each law enforcement agency, by March 1 annually, must provide GOCCP with information for the previous calendar year about each officer-involved death and death in the line of duty that involved a law enforcement officer employed by the agency. GOCCP must adopt procedures for the collection and analysis of the information required to be included in the reports. *Under current law*, GOCCP must analyze and disseminate the information reported by each agency and submit an annual report on the incidence of officer-involved deaths and deaths in the line of duty in Maryland to the General Assembly by June 30 of each year. *Under the bill*, by June 30 annually, GOCCP must instead place on its website, in an easily accessible location, a filterable data display showing all data collected and a summary of the incidence of officer-involved deaths and deaths in the line of duty in the State.

Tax Intercept for Outstanding Warrants: The warrant intercept program authorizes an official of the federal, State, or local government charged with serving a criminal arrest warrant to certify to the Comptroller that an individual who is either a Maryland resident or who receives income from Maryland has an outstanding warrant and to request that the Comptroller withhold the individual's income tax refund. For any individual for which a certification of an outstanding warrant is received, the Comptroller is required to withhold the individual's income tax refund and notify the individual of the certification of an outstanding warrant. Through September 30, 2019, GOCCP is required to study the program and make recommendations to ensure the program does not disparately impact individuals on racial grounds. *Under current law*, GOCCP must report its findings and recommendations to the Governor and the General Assembly by December 31 each year. *Under the bill*, by December 31 annually, GOCCP must instead place on its website, in an easily accessible, location a filterable data display showing all data collected and a summary of its findings and recommendations.

Traffic Stops: Through May 31, 2020, each law enforcement agency in the State must collect specified data on all traffic stops, compile the data collected by its officers, and submit an annual report to MSAC by March 1 of each year reflecting the prior calendar year. MSAC is charged with analyzing the data based on a methodology developed in consultation with the Police Training Commission. *Under current law*, by September 1 of each year, MSAC must issue a report to the Governor and the General Assembly as well as to each law enforcement agency. *Under the bill*, by September 1 annually, GOCCP must instead place on its website, in an easily accessible location, a filterable data display showing all data collected and a summary of the findings.

Background: GOCCP advises that it spends a significant amount of time preparing legislative reports and that it would like to instead provide the relevant data online in an easily accessible format.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2018
nb/lgc Third Reader - February 27, 2018

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:

(410) 946-5510

(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety – Reports and Information - Requirements

BILL NUMBER: SB 107

PREPARED BY: Don Hogan

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This bill will have no impact on business or the public.