

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 811

(Senator Waldstreicher)

Judicial Proceedings

Judiciary

Criminal Procedure – Maryland Judiciary Case Search – Case Blocking

This bill prohibits the Maryland Judiciary Case Search from in any way referring to the existence of records of a case with electronic records if *all charges* in the case resulted in (1) acquittal; (2) dismissal; or (3) *nolle prosequi* or *nolle prosequi* with the requirement of drug or alcohol treatment. The bill applies to electronic records created before and after October 1, 2020.

Fiscal Summary

State Effect: General fund expenditures increase by \$221,300 in FY 2021 only. Revenues are not affected.

| (in dollars) | FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
|----------------|-------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 221,300 | 0 | 0 | 0 | 0 |
| Net Effect | (\$221,300) | \$0 | \$0 | \$0 | \$0 |

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Maryland Judiciary Case Search is a website maintained by the Maryland Judiciary that provides Internet-based access to various Maryland case records. Accessible records include District Court traffic, criminal, and civil case records and

criminal and civil case records for the circuit courts. Information is removed from view on Maryland Judiciary Case Search through expungement and shielding only.

State Expenditures: General fund expenditures for the Judiciary increase by \$221,348 in FY 2021. This estimate reflects the cost of one-time computer programming by the Judiciary to remove information from the publicly accessible version of Maryland Judiciary Case Search (not the Secure Case Search system used by law enforcement and other agencies). While implementation of the bill primarily involves alteration of the Judiciary's computer systems, court clerks will have to review reports and perform some data entry to ensure that cases are properly flagged. However, the Judiciary does not anticipate that such tasks will significantly impact operations.

The bill's removal of information from display on Maryland Judiciary Case Search may have an operational effect on the Governor's Office of Crime Prevention, Youth, and Victim Services (GOVS). With respect to legislation requiring the removal/exclusion of similar information from Maryland Judiciary Case Search, GOVS advised that the bill had significant implications on its research and analysis of District Court and circuit court records, since one of the criminal justice data sources GOVS utilizes relies upon the publicly accessible version of Case Search. GOVS advises that it does not have access to the Secure Case Search system.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Frederick, Montgomery and Prince George's counties; Maryland Association of Counties; City of Havre de Grace; Maryland Municipal League; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; University System of Maryland; Morgan State University; Department of Budget and Management; Department of General Services; Maryland Department of Labor; Department of Public Safety and Correctional Services; Department of State Police; Department of Natural Resources; Maryland Department of Transportation; Maryland State Archives; Treasurer's Office; Governor's Office of Crime Prevention, Youth, and Victim Services; Department of Legislative Services

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