

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 262 (Chair, Judiciary Committee)(By Request - Departmental - Health)

Judiciary

Judicial Proceedings

Criminal Procedure - Examination of Defendant by Maryland Department of Health - Access to Judicial Records

This bill requires the Maryland Department of Health (MDH) to have access to information maintained by the Judiciary about a criminal defendant who is (1) subject to examination by MDH pursuant to statutory provisions regarding individuals who may be found incompetent to stand trial (IST) or not criminally responsible (NCR); (2) committed to MDH after being found IST or NCR; or (3) on IST/NCR conditional release. Prior to the exchange of any information, the Judiciary and MDH must enter into an agreement regarding the individuals who may have access to the information, what information is accessible to authorized individuals, and the appropriate uses for accessed information. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: General fund expenditures increase by \$74,400 in FY 2021 only for programming changes, as discussed below. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	74,400	0	0	0	0
Net Effect	(\$74,400)	\$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: There are no statutory provisions regarding MDH's ability to access information maintained by the Judiciary. However, statute does impose several requirements on MDH, such as evaluations and the preparation of reports for the courts, with respect to defendants who are IST or NCR.

Background: MDH advises that the bill will sustain operational efficiencies by allowing it to maintain continued access to information that may be discontinued in the future. Secure Case Search is a database maintained by the Judiciary that includes information not contained in the publicly accessible version of Case Search. MDH advises that the Judiciary has notified the department that it will restrict access to Secure Case Search after an internal review of what existing statutes and court rules permit access. Currently, MDH uses the database to assist in preparing a patient's evaluation pursuant to court order. According to MDH, restricting access to Secure Case Search will significantly reduce its ability to prepare thorough and timely reports.

State Expenditures: General fund expenditures for the Judiciary increase by \$74,414 in fiscal 2021 only for computer reprogramming. This estimate assumes that the Judiciary will not permit MDH to retain its current access to Secure Case Search (described above) and will need to track MDH's access to information in the Judiciary's databases. Operational efficiencies for MDH are continued, as discussed above.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2020
md/jkb Third Reader - March 14, 2020

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