

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 699

(Senator Waldstreicher, *et al.*)

Judicial Proceedings

Judiciary

Criminal Procedure – Maryland Judiciary Case Search – Possession of
 Marijuana Records

This bill prohibits the Maryland Judiciary Case Search from in any way referring to the existence of records of District Court cases with electronic records relating to any disposition of a charge of possession of marijuana under § 5-601 of the Criminal Law Article entered before October 1, 2014, where possession of marijuana was the only charge in the case. While the bill takes effect October 1, 2020, the bill’s requirements must be met by December 31, 2020.

Fiscal Summary

State Effect: General fund expenditures increase by \$120,800 in FY 2021 only for one-time computer reprogramming. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	120,800	0	0	0	0
Net Effect	(\$120,800)	\$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.

Possession of marijuana is a misdemeanor, punishable by imprisonment for up to six months and/or a \$1,000 maximum fine. However, as of 2014, possession of less than 10 grams of marijuana is a civil offense punishable by a fine of up to \$100 for a first offense and \$250 for a second offense. The maximum fine for a third or subsequent offense is \$500.

State Expenditures: General fund expenditures for the Judiciary increase by \$120,824 in fiscal 2021 only for one-time computer reprogramming. 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.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 83 (Delegate Moon, *et al.*) - Judiciary.

Information Source(s): Anne Arundel, Baltimore, Charles, Frederick, Montgomery, and Somerset counties; City of Havre de Grace; Maryland State Commission on Criminal Sentencing Policy; 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 State Police; Maryland State Archives; National Public Radio; Associated Press; Department of Legislative Services

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