

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 889

(Senator West, *et al.*)

Judicial Proceedings

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Adjudicatory Hearings - Attorney Security Passes for Attorneys in Good  
Standing

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This bill requires the Administrative Office of the Courts (AOC), in consultation with the Maryland State Bar Association (MSBA) to adopt procedures (1) establishing criteria for the issuance, renewal, denial, and revocation of attorney security passes and (2) for the statewide acceptance of attorney security passes at State court facilities. The provisions of the bill supersede any inconsistent provisions established in law or policy by a local jurisdiction or unit of State government. The bill may not be construed to prohibit the periodic security screening of an individual holding an attorney security pass.

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Fiscal Summary

**State Effect:** General fund expenditures for the Judiciary *may* increase minimally to implement the program, as discussed below. No anticipated effect on revenues.

**Local Effect:** The bill is not anticipated to materially affect local law enforcement agencies or circuit courts.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** An “attorney security pass” is a photo identification card issued by MSBA with the aid of a sheriff’s office or other law enforcement agency that authorizes an attorney in good standing to enter a State court facility without screening by security.

MSBA may manage and administer a program for the issuance of attorney security passes, including by (1) communicating to attorneys criteria and procedures for obtaining a pass and (2) collecting fees directly related to the management and administration of the program.

The Secretary of General Services, in consultation with MSBA, must adopt regulations providing for the acceptance of attorney security passes at each State facility under the jurisdiction of the Department of General Services that houses a unit of State government responsible for conducting administrative hearings.

**Current Law/Background:** MSBA currently offers a courthouse identification badge for its members, which is available to any attorney who (1) has been admitted to practice law in State; (2) is currently a member of the bar in good standing; and (3) is currently certified by the Court of Appeals as an active practitioner (or exempt inactive/retired practitioner). The badges are accepted in many, but not all, circuit court and District Court locations.

State statute does not include provisions regarding this program.

**State/Local Fiscal Effect:** Because MSBA already oversees a similar initiative and is authorized under the bill to manage and administer the attorney security pass program, for purposes of this fiscal and policy note, it is assumed that MSBA *will* manage the program. The Maryland Judiciary advises that expenditures associated with the program's implementation include the need for a system capable of updating the status of attorneys who have had their licenses suspended or revoked. The Judiciary did not provide a specific estimate of costs. However, because a similar program already exists and AOC is charged with adopting procedures in consultation with MSBA, it is assumed that some, if not all, of any *potential* associated expenditures are passed on to MSBA, particularly since MSBA has the authority under the bill to collect fees directly related to the management and administration of the program.

While local law enforcement agencies may receive increased requests for assistance with the issuance of photo identification cards, it is anticipated that procedures can be implemented to facilitate any increase in associated workload without materially affecting finances or operations.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 1009 (Delegate Barron, *et al.*) - Judiciary.

**Information Source(s):** Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Department of General Services; Office of Administrative Hearings; Maryland State Bar Association; Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2020  
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