

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 607

(Delegate Davis, *et al.*)

Judiciary

Courts and Judicial Proceedings – Grand Jury – Transcription of Testimony

This bill requires the jury judge for a county to order a court reporter to take and transcribe testimony given before a grand jury for the county, for use as specified under current law. Currently, the jury judge for a county is authorized to order a court reporter to take and transcribe such grand jury testimony.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect the workload or finances of the Judiciary, as discussed below.

Local Effect: Local government expenditures may increase for court reporter services and transcription costs, as discussed below. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law: The jury judge for a county may order a court reporter to take and transcribe testimony given before a grand jury for the county.

Under § 8-416 of the Courts and Judicial Proceedings Article, a court reporter ordered to take testimony given before a grand jury must take and transcribe the testimony. A court reporter must provide, as requested, a transcript of grand jury testimony to the grand jury and the State's Attorney for the county. Each transcript must be kept in the State's Attorney's custody. Unless the circuit court orders otherwise, neither the original nor a

copy of the transcript may be taken from the State's Attorney's office, other than for use of the grand jury or for production in court. On written order of the circuit court, granted on written motion of the State's Attorney, the State's Attorney may have the notes as to, and the transcript of, grand jury testimony destroyed. Except on written order of the circuit court, a record of testimony given before a grand jury is for the exclusive use and benefit of the grand jury and the State's Attorney, and a court reporter may not (1) allow any other governmental unit or person to read or have a copy of all or any part of the record or (2) disclose wholly or partly the character of the contents of the record to any other governmental unit or person.

State/Local Fiscal Effect: The Judiciary advises that it is not clear whether the costs to pay for additional transcriptions and contractual court reporter services required by the bill will be incurred by the Judiciary or locally (as a circuit court function or by State's Attorneys' offices). For purposes of this fiscal and policy note, it is assumed that since grand juries are predominantly used in the circuit courts by State's Attorneys, local governments are responsible for associated expenditures and not the State. The specific impact on local jurisdictions likely varies and depends on how often grand juries are convened and existing practices related to this function in each jurisdiction. For example, Harford County anticipates expenditures of approximately \$75,000 annually for ongoing costs associated with transcribing testimony and one-time expenses of approximately \$10,000 for technology upgrades to the room currently used when a grand jury is convened.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford County; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of Legislative Services

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