

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 209

(Senator West, *et al.*)

Judicial Proceedings

Judiciary

Task Force to Study Crime Classification

This bill establishes the Task Force to Study Crime Classification. The task force must (1) study and make recommendations regarding a method for classifying crimes and civil offenses under State law and (2) identify and logically categorize all crimes and civil offenses that exist under State law. The Office of the Attorney General (OAG) must provide staff for the task force. Members of the task force may not receive compensation but are entitled to reimbursement for expenses, as provided in the State budget. The task force must report its findings and recommendations to the Governor and the General Assembly by December 31, 2023. **The bill takes effect June 1, 2023, and terminates June 30, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by *at least* \$177,400 in FY 2024 only for OAG to staff the task force, as discussed below. Any expense reimbursements for members of the task force are assumed to be minimal and absorbable with existing budgeted resources. Revenues are not affected.

| (in dollars) | FY 2024 | FY 2025 | FY 2026 | FY 2027 | FY 2028 |
|----------------|-------------|---------|---------|---------|---------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 177,400 | 0 | 0 | 0 | 0 |
| Net Effect | (\$177,400) | \$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: Chapters 372 and 578 of 2019 established the Task Force to Study Crime Classification and Penalties. That task force was required to:

- review the penalties for all criminal and civil violations throughout the Maryland Code;
- study the history and legislative intent of the classification of criminal and civil violations throughout the Maryland Code, including the constitutional implications and collateral consequences that arise as a result of classification;
- study criminal classifications and penalty schemes in other states and how those classifications and schemes compare to those in the State; and
- make recommendations regarding the current statutory scheme for criminal and civil violations throughout the Maryland Code, including recommendations on several specified topics.

In its December 2020 report, the task force made the following recommendations:

- due to the scope of the task force's responsibilities and delays caused by COVID-19 pandemic, the General Assembly should extend the task force for one year and authorize the task force to obtain technical and research assistance;
- the General Assembly should adopt a standard crime classification system and consider a default *mens rea* for appropriate criminal offenses in the State; and
- the General Assembly should define and distinguish misdemeanor and felony offenses.

State Fiscal Effect: General fund expenditures increase by *at least* \$177,399 in fiscal 2024 only for contractual personnel to assist OAG with staffing the task force from July 1, 2023, until June 30, 2024. This estimate assumes that despite the bill's June 1, 2023 effective date, contractual personnel will not begin employment until July 1, 2023. To the extent OAG requires additional personnel to perform its staffing responsibilities, expenditures increase.

OAG advises that its current staff cannot accommodate the bill's requirements, and given its current workloads, the scope of the task force's responsibilities, the research required, and the reporting deadline, two regular full-time attorneys, one part-time attorney, and one part-time paralegal are needed to implement the bill, at a cost of approximately \$385,600 in fiscal 2024. However, the Department of Legislative Services advises that the task force's responsibilities under the bill may not require that magnitude of personnel, and the added responsibilities incurred by this legislation are not permanent and may be performed by contractual employees. Thus, this estimate reflects the cost of hiring the following

minimum personnel needed for OAG to staff the task force: one contractual full-time attorney and one contractual part-time paralegal. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

| | |
|---|------------------|
| Positions | 1.5 |
| Salaries and Fringe Benefits | \$162,581 |
| Operating Expenses | <u>\$14,818</u> |
| Minimum FY 2024 State Expenditures | \$177,399 |

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1281 (Delegate Cardin) - Rules and Executive Nominations.

Information Source(s): Office of the Attorney General; Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2023
km/aad Revised - Correction - February 13, 2023
Third Reader - April 3, 2023
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