

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

Senate Bill 1005 (Senator Forehand)
 Judicial Proceedings

Courts and Judicial Proceedings - Crime Victims and Witnesses Funds - Court Costs

This bill increases, from \$45 to \$60 in the circuit courts, and from \$35 to \$50 in the District Court, specified court costs that must be imposed on a defendant convicted of a crime. The bill also increases, from \$3 to \$5, the court cost that must be imposed on a defendant convicted of certain motor vehicle offenses in the District Court. The Comptroller must deposit revenues from the increased court costs into the State Victims of Crime Fund (SVCF).

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: Special fund revenues to SVCF increase by an estimated \$2.2 million annually beginning in FY 2015. General fund expenditures for the Judiciary increase by \$34,800 in FY 2015 only for programming changes.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
SF Revenue	\$2,235,500	\$2,235,500	\$2,235,500	\$2,235,500	\$2,235,500
GF Expenditure	\$34,800	\$0	\$0	\$0	\$0
Net Effect	\$2,200,700	\$2,235,500	\$2,235,500	\$2,235,500	\$2,235,500

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Court costs are imposed on a defendant convicted of a crime in the amount of \$45 for the circuit court and \$35 for the District Court. Court costs, in the amount of \$3, are imposed on a defendant convicted of certain motor vehicle offenses in the District Court.

The Comptroller deposits \$22.50 from each fee collected in circuit court and \$12.50 from each fee collected in District Court (excluding fees from motor vehicle cases that are not punishable by imprisonment) into SVCF, a special fund used for carrying out statutory guidelines for treatment and assistance to victims of crime and delinquent acts. The State Board of Victims Services in the Governor's Office of Crime Control and Prevention is responsible for administering the fund.

The Comptroller deposits \$2.50 from each fee from court costs collected in circuit courts and the District Court (excluding fees from motor vehicle cases that are not punishable by imprisonment) to the Victim and Witness Protection and Relocation Fund (VWPRF). This is a special fund used to carry out the Victim and Witness Protection and Relocation Program which is administered by the States' Attorneys' coordinator.

All other monies from these fees are deposited into the Criminal Injuries Compensation Fund (CICF), a special fund within DPSCS, that provides financial assistance for innocent victims of crime. The fund is administered by the Criminal Injuries Compensation Board.

CICF and SVCF share the first \$500,000 attained from the \$3 assessed in the District Court for motor vehicle cases that are not punishable by imprisonment. After the \$500,000 threshold is reached and each fund has acquired \$250,000, CICF receives the remainder of funding from these fees.

Pursuant to § 7-301 of the Courts Article, additional court costs of \$22.50 are imposed on a defendant in specified traffic cases, including cases in which the defendant waives the right to trial and instead pays the applicable fine or penalty deposit. Court costs of \$22.50 are also imposed on a defendant in a District Court criminal case which includes most traffic offenses. These costs also support CICF and VWPRF.

State Revenues: Special fund revenues to SVCF increase by \$2,235,544 annually beginning in fiscal 2015 due to the increased court costs. The information and assumptions used in calculating the estimate are stated below:

- court costs are collected in 55,863 District Court criminal cases annually, which assumes that costs are assessed in 85% of cases (based on the number of criminal cases in fiscal 2013);
- court costs are collected on 634,307 tried and prepaid traffic citations annually, based on fiscal 2013 data;
- court costs are collected in at least 8,599 circuit court criminal cases annually, which assumes that costs are assessed in 85% of cases (based on the number of criminal cases in fiscal 2013 in all circuit courts excluding Montgomery and Prince George's counties where data was not available); and
- current and projected levels of actual cost imposition and collection remain constant.

State Expenditures: General fund expenditures increase by \$34,796 in fiscal 2015 only for the Judiciary to make necessary programming changes. If other legislation is passed requiring computer reprogramming changes, economies of scale could be realized, thereby reducing the costs associated with this bill and other legislation affecting the Judiciary. The Judiciary also advises that the increase in court costs necessitates a change to the Maryland Uniform Complaint and Citation book as well as the Schedule of Preset Motor Vehicle Fines and/or Penalty Deposits. Although this information is updated annually to reflect all legislative changes, it is generally not done so until September since most bills take effect October 1. Because the Department of Legislative Services assumes that fewer schedules and books will be produced for the earlier distribution, it is assumed that this can be done with existing resources. It is also assumed that any changes in citation books for the State Police or other State or local law enforcement units can be handled with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: HB 803 (Delegate Lee, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Wicomico County, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2014
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