

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

Senate Bill 682 (Senator Zirkin)
 Judicial Proceedings

Courts - Animal-Related Crimes - Court Costs

This bill requires the District Court to impose a \$35 fee and the circuit court to impose a \$45 fee on a defendant who is convicted of, sentenced to probation before judgment for, or pleads *nolo contendere* to any of the following offenses: (1) animal abuse or neglect; (2) attending dogfights or cockfights; (3) felony aggravated cruelty to animals (general); (4) felony aggravated cruelty to animals (dogfighting); (5) felony aggravated cruelty to animals (cockfighting); (6) abandoning a domestic animal; or (7) poisoning a dog. These costs are in addition to any other costs required by law.

Revenues from these fees must be paid to the Comptroller, who must divide the revenues according to the county in which the District Court or circuit court that collected the fee is located and pay each county its respective share of the fee revenue annually. Each county must use these fee revenues to fund the county’s animal shelter.

Fiscal Summary

State Effect: General fund revenues increase by \$1,500 in FY 2015, which reflects the bill’s October 1, 2014 effective date, and by \$2,000 each year thereafter from additional court costs in District Court. General fund expenditures increase by \$16,700 in FY 2015 from increased computer programming costs for the Judiciary and distribution to local jurisdictions of general fund revenues from animal-related crimes court costs in the District Court. General fund expenditures increase by \$2,000 each year thereafter from distribution of collected court costs.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
GF Revenue	\$1,500	\$2,000	\$2,000	\$2,000	\$2,000
GF Expenditure	\$16,700	\$2,000	\$2,000	\$2,000	\$2,000
Net Effect	(\$15,200)	\$0	\$0	\$0	\$0

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

Local Effect: Local revenues for animal shelters increase by \$2,914 in FY 2015 and \$3,885 each year thereafter from collected court costs in cases involving animal-related crimes; this may defray local funds currently used for animal shelters.

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. Additional court costs of \$22.50 are imposed on a defendant in a District Court criminal case which includes most traffic offenses. As specified in statute, these costs support the Criminal Injuries Compensation Fund, the Victim and Witness Protection and Relocation Program, and the State Victims of Crime Fund.

State Revenues: Assuming no changes in case volume, general fund revenues increase by \$1,496 in fiscal 2015, which accounts for the bill's October 1, 2014 effective date, and by \$1,995 each year thereafter due to the bill's imposition of an additional court cost in District Court cases involving animal-related crimes. According to the Judiciary, for fiscal 2012 and 2013, there were an average of 57 cases involving animal-related cases in the District Court that resulted in a conviction, probation before judgment, or *nolo contendere*.

State Expenditures: General fund expenditures increase by \$16,659 in fiscal 2015 from increased computer programming costs for the Judiciary and distribution to local jurisdictions of general fund revenues from animal-related crimes court costs in the District Court. General fund expenditures increase by \$1,995 each year thereafter from the distribution of collected court costs.

The bill requires the collection of an additional cost in District Court cases involving animal-related crimes resulting in a conviction or a disposition of probation before judgment or *nolo contendere* and distribution of collected monies to local jurisdictions according to the location of the District Court that imposed the cost. Implementation of these functions requires computer programming to (1) impose the cost in cases according to offense and disposition and (2) track collected costs by county. Computer reprogramming of cash registers and the multiple computers systems used by the Judiciary requires approximately 253.2 hours of computer reprogramming, at a cost of \$15,163 in fiscal 2015 only.

Local Fiscal Effect: Assuming no changes in case volume, local revenues increase by \$2,916 in fiscal 2015 and by \$3,885 each fiscal year thereafter from assessed District Court and circuit court costs in cases involving animal-related crimes.

In fiscal 2012 and 2013, there was an average of 42 circuit court cases involving animal-related crimes that resulted in a conviction or a disposition of probation before judgment or *nolo contendere*. Applying the bill's \$45 court cost in these cases results in increased local revenues of \$1,418 in fiscal 2015 and \$1,890 for each full fiscal year thereafter. This is in addition to local revenues from the distribution of court costs collected from cases in the District Court, as discussed above. Additional local revenues for animal shelters may defray local funds currently dedicated to shelters.

Additional Comments: Although the bill requires a specified distribution and use of these revenues, the bill does not create a special fund for these revenues.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Dorchester, Garrett, and Montgomery counties; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Association of Counties; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2014
mc/kdm

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