

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 442

(Senator Norman)

Judicial Proceedings

Judiciary

Public Safety - Maryland Electronic Telecommunications Enforcement Resource System - Body Attachments

This bill requires the Department of State Police (DSP) to cooperate with the Administrative Office of the Courts (AOC), the Chief Clerk of the District Court, and the clerks of the circuit courts to receive, accept, and incorporate body attachments in the Maryland Electronic Telecommunication Enforcement Resource System (METERS). The clerks of the courts and appropriate local law enforcement agencies are responsible for entry, maintenance, and prompt validation of body attachments in METERS, as specified. A judge, law enforcement agency, or officer may access METERS to determine the status of an outstanding body attachment issued by a court of the State or of another state or an Indian tribe and filed with the District Court or a circuit court.

Fiscal Summary

State Effect: General fund expenditures increase by \$116,800 in FY 2019 only for programming changes. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	116,800	0	0	0	0
Net Effect	(\$116,800)	\$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

Bill Summary: “Body attachment” means a written order issued by a court directing a sheriff or law enforcement officer to take custody of and bring before the court a witness who fails to comply with a subpoena, a material witness in a criminal action, or a party in a civil action who fails to comply with an order of court.

Current Law: DSP may permit a law enforcement agency of the State or a State unit to connect with and use a computer or communication system established by the department for statewide use including:

- a voice communication system;
- a data communication system;
- a message switching system;
- the Maryland Interagency Law Enforcement System (MILES);
- the National Crime Information Center (NCIC); and
- the National Law Enforcement Telecommunications System.

Connection with and use of a computer or communication system is subject to rules adopted by the Secretary of State Police, as specified. A violation of a rule adopted by the Secretary is a sufficient basis to withdraw permission to connect with and use the computer or communication system. Generally, the State pays the cost of rental of the computer and communication equipment and the circuitry necessary for the equipment. A law enforcement agency that uses DSP’s computer or communication system pays the costs of supplies and other charges for the rental or purchase of terminal devices and the circuitry necessary to connect with the department’s computer or communication system.

DSP must:

- cooperate with local child support enforcement offices and law enforcement agencies to receive, accept, and incorporate civil child support warrants in MILES; and
- cooperate with AOC, the Chief Clerk of the District Court of Maryland, and the clerks of the circuit courts to receive, accept, and incorporate civil protective orders in MILES.

Local child support enforcement offices and appropriate local law enforcement agencies are responsible for entry, maintenance, and prompt validation of civil child support warrants in MILES in accordance with procedures adopted by DSP. The clerks of the courts and appropriate local law enforcement agencies are responsible for entry,

maintenance, and prompt validation of civil protective orders in MILES in accordance with procedures adopted by DSP.

A judge or law enforcement agency or officer may access MILES to determine the status of:

- an outstanding civil child support warrant issued by a court of the State;
- an outstanding civil protective order issued by a court of the State; and
- an outstanding civil protective order issued by a court of another state or an Indian tribe and filed with the District Court or a circuit court.

Background: DSP advises that METERS is a replacement for MILES. It is an operating system used by law enforcement personnel to access State and federal law enforcement related databases. The Department of Public Safety and Correctional Services (DPSCS) is responsible for programming and changes to METERS. DSP is responsible for the development of procedures and training relating to the use of METERS. METERS has strict confidentiality provisions and requires training, certifications, and security logs for users, with regular audits by DSP.

A portion of METERS holds Maryland-only warrants and can be used as a secure messaging service between law enforcement agencies in the State. METERS also provides dual warrant access to NCIC. Information that is uploaded to NCIC is regulated by federal law. Civil body attachments are not authorized to be uploaded under federal law.

State Expenditures: General fund expenditures increase by a total of \$116,750 in fiscal 2019 only for programming changes to METERS and the Judiciary case management systems. This estimate includes (1) \$100,000 for DPSCS to make programming changes to METERS to accommodate civil body attachments and (2) \$16,750 for the Judiciary to make programming changes to its case management systems.

AOC, the Chief Clerk of the District Court, the clerks of the circuit courts, and judges can handle any increase in workload due to the bill's requirements with existing resources. Also, DSP can provide training to users of METERS with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery and Prince George's counties; City of Takoma Park; Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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