

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 586

(Senator McCray, *et al.*)

Judicial Proceedings

Judiciary

**Criminal Procedure and Public Safety - Courts and Criminal Justice in
 Baltimore City**

This bill (1) requires the Department of Public Safety and Correctional Services (DPSCS) to notify the Baltimore Police Department (BPD) if a defendant is released before trial, as specified; (2) requires BPD to submit an annual report regarding firearms to the Governor and the General Assembly; and (3) establishes the Jobs Court Pilot Program in the District Court sitting in Baltimore City. **The bill generally takes effect July 1, 2022. The provisions pertaining to the BPD report terminate June 30, 2027. The provisions concerning the operation of the pilot program take effect July 1, 2023, and terminate June 30, 2028.**

Fiscal Summary

State Effect: General fund expenditures increase by \$24,000 in FY 2024 for one-time programming costs. General fund expenditures further increase by at least \$500,000 annually in FY 2024 through 2028, reflecting the mandated appropriation. Assuming BPD submits the required report, the bill has no effect on the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS); however, if BPD does not submit the required report, general fund expenditures decrease significantly. Revenues are not affected. **This bill establishes a mandated appropriation in FY 2024 through 2028.**

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	(-)	524,000	500,000	500,000	500,000
Net Effect	\$0	(\$524,000)	(\$500,000)	(\$500,000)	(\$500,000)

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

Local Effect: Baltimore City expenditures likely increase minimally to complete the required report. If BPD does not submit the required report, city grant revenues and corresponding expenditures decrease significantly. Baltimore City revenues increase by at least \$500,000 in FY 2024 through 2028 due to the mandated appropriation for the pilot program; expenditures increase correspondingly.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Pretrial Release Notification

The bill requires DPSCS to notify BPD if a defendant is released before trial. This requirement applies only in Baltimore City, and DPSCS must provide the required notice within 24 hours of the release. This notice must be provided in a manner that allows for the sorting and filtering of information provided by DPSCS.

Firearms Report

By March 1, 2023, and annually through 2027, BPD must report to the Governor and the General Assembly regarding the firearms destroyed, seized, or recovered by BPD during the preceding calendar year, as specified. If BPD does not submit the required report, GOCPYVS is prohibited from making any grant funds available to BPD.

Jobs Court Pilot Program

The bill establishes the Jobs Court Pilot Program in the District Court sitting in Baltimore City, effective July 1, 2023, and terminating June 30, 2028. The purpose of the pilot program is to reduce recidivism by offering defendants an opportunity to participate in full-time job training and job placement programs as a condition of probation, an alternative to incarceration, or a condition of pretrial release. For fiscal 2024 through 2028, the Governor must include in the annual State budget an appropriation of at least \$500,000 to the Baltimore Workforce Development Board, to be distributed to local workforce investment boards or other nonprofit entities that participate in the Jobs Court Pilot Program by identifying employers and training programs.

The Administrative Office of the Courts (AOC) must develop a plan to implement and monitor the pilot program. By June 30, 2027, AOC, in consultation with the Baltimore

Workforce Development Board, must report to the Governor and the General Assembly on the operation and results of the pilot program.

Current Law:

Pretrial Release Notifications

While there are statutory provisions that address the notification of victims, no provisions in statute currently address the type of notification required under the bill.

Firearms Reports and Data Collection

Chapter 491 of 2020 requires the Office of the Attorney General (OAG) to (1) study information regarding “firearm crimes” committed in the State since August 1, 2015, as specified; (2) identify specified information for each 9-1-1 request for emergency assistance involving a firearm crime; (3) study information regarding “firearm injuries and fatalities” occurring in the State since July 1, 2020, as specified; and (4) with regard to “crime firearms,” study, report, compile, collect, and gather specified information. All State and local law enforcement agencies and other governmental units must provide OAG with any and all information necessary to complete the study. OAG must report to the Governor and the General Assembly, by specified dates, specified findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered.

OAG must report to the Governor and the General Assembly:

- by December 1, 2020, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2015, through July 31, 2019;
- by December 1, 2021, its [findings and conclusions](#) regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2019, through July 31, 2020; and
- by December 1, 2022, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2020, through July 31, 2021.

Chapter 651 of 2021 extended the termination date of Chapter 491 of 2020 (from December 31, 2022, to December 31, 2024) and extended OAG’s reporting requirements by two years. In addition, Chapter 651 (1) authorizes OAG to access information from the District Court, as specified; (2) authorizes OAG to delegate the review and research undertaken under provisions of the Act to a recognized research institution located in the State; (3) extends, by one year, specified dates by which OAG must report to the Governor

and the General Assembly specified findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered; and (4) requires an additional report with similar specified information. The requirements terminate December 31, 2024.

“Crime firearm” means a firearm that is (1) used in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article or (2) recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer. “Firearm crime” means a crime of violence, as defined in § 5-101 of the Public Safety Article, involving the use of a firearm. “Firearm injury and fatality” means an injury or fatality caused by a firearm.

Chapter 335 of 2019 required GOCPYVS to gather, study, and compile specified information regarding crime firearms in the State. The Department of State Police was required to provide GOCPYVS with any and all information necessary to complete the study. GOCPYVS reported [its findings](#) in 2021. Based on the Maryland Gun Center’s database, there were a total of 169 in-state crime firearms recovered from 17 jurisdictions between January 1, 2019, and December 31, 2019. Nearly 40% (67) of the crime firearms were recovered in Baltimore City.

Jobs Court Pilot Program

There is no jobs court pilot program authorized in statute. However, the District Court Re-Entry Project, which is a project in the Baltimore City District Court, has similar objectives.

State/Local Fiscal Effect:

Pretrial Release Notification

DPSCS operates the facilities used in Baltimore City for the processing and detention of pretrial defendants. DPSCS advises that it can provide the required notice with existing budgeted resources.

Reporting Requirement

The bill requires BPD to submit an annual firearms report from 2023 through 2027. If BPD does not submit the required report and GOCPYVS is prohibited from making grant funds available to BPD, general fund expenditures decrease significantly. If the report is submitted as required, these provisions have no impact on State finances. GOCPYVS can handle the bill’s requirements with existing resources.

Baltimore City expenditures likely increase minimally for the city to complete the required report during the applicable fiscal years. If BPD does not submit the required report, and GOCPYVS is prohibited from making grant funds available to BPD, city grant revenues and corresponding expenditures decrease significantly.

Jobs Court Pilot Program

General fund expenditures increase by at least \$500,000 annually from fiscal 2024 through 2028 due to the mandated appropriation. In addition, although it is assumed that the Baltimore City District Court program mentioned above will otherwise operate as the Jobs Court Pilot Program, the Judiciary anticipates incurring one-time programming costs of approximately \$24,000 in fiscal 2024 to implement the bill and streamline the program with the existing program. To the extent that additional support is provided to the existing program, expenditures increase accordingly.

The Baltimore Workforce Development Board, administratively housed within the Baltimore Mayor's Office of Employment Development, receives at least \$500,000 annually in mandated funding to distribute, as specified, to support the pilot program objectives. Thus, Baltimore City revenues increase in fiscal 2024 through 2028 to reflect receipt of the mandated appropriation; expenditures increase correspondingly as the funds are distributed, as specified in the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 441 (Delegate Clippinger) - Judiciary.

Information Source(s): Baltimore, Charles, Frederick, Montgomery, and Somerset counties; cities of Frederick and Havre de Grace; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of State Police; Governor's Office of Crime Prevention, Youth, and Victim Services; Office of the Attorney General; Department of Public Safety and Correctional Services; Department of Legislative Services

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