

**Department of Legislative Services**  
 Maryland General Assembly  
 2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 617 (Senators Sydnor and Smith)  
 Judicial Proceedings

**Task Force to Study Transparency Standards for State's Attorneys and the State's Attorney Case Management System Grant Fund**

This bill establishes the State’s Attorney Case Management System Grant Fund to provide grants to State’s Attorneys’ offices to establish or improve case management systems. The Executive Director of the Governor’s Office of Crime Prevention and Policy (GOCPP, formerly the Governor’s Office of Crime Prevention, Youth, and Victim Services) must administer the fund. The bill also alters the membership, reporting requirements, and termination date of the Task Force to Study Transparency Standards for State’s Attorneys. **The bill takes effect June 1, 2024.**

**Fiscal Summary**

**State Effect:** No effect in FY 2024. General fund expenditures increase by an estimated \$1.0 million annually in FY 2025 through 2027 to capitalize the fund, with potential ongoing capitalization costs beyond FY 2027, as discussed below. Special fund revenues to and expenditures from the fund increase correspondingly each year. General fund expenditures further increase by \$80,400 in FY 2025 for administrative costs; future year administrative costs reflect inflation and ongoing costs.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
SF Revenue	\$1,000,000	\$1,000,000	\$1,000,000	-	-
GF Expenditure	\$1,080,400	\$1,064,100	\$1,066,900	-	-
SF Expenditure	\$1,000,000	\$1,000,000	\$1,000,000	-	-
Net Effect	(\$1,080,400)	(\$1,064,100)	(\$1,066,900)	(-)	(-)

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

**Local Effect:** Local grant revenues and corresponding expenditures for State’s Attorneys’ offices increase in total by an estimated \$1.0 million annually in FY 2025 through 2027, with potential ongoing effects beyond FY 2027.

**Small Business Effect:** None.

## Analysis

### Bill Summary:

#### *State's Attorney Case Management System Grant Fund*

The State's Attorney Case Management System Grant Fund is a special, nonlapsing fund that consists of money appropriated in the State budget to the fund, interest earnings of the fund, and any other money accepted from any other source accepted for the benefit of the fund. Expenditures from the fund may only be made in accordance with the State budget, and the fund may only be used to provide grants to State's Attorneys' offices to establish or improve case management systems. The accounts and transactions of the fund are subject to audit by the Legislative Auditor, as specified.

The Executive Director of GOCPP must (1) establish procedures for State's Attorneys' offices to apply for and receive grants from the fund; (2) solicit grant proposals from State's Attorneys' offices; and (3) make grants from the fund to State's Attorneys' offices for the establishment or improvement of case management systems.

A State's Attorney's office that applies for grant funding must provide the executive director with a description of the case management system that the office seeks to establish or the improvements the office seeks to make, along with any other information the executive director considers necessary. A State's Attorney's office that receives a grant must submit proof of the expenditure of the grant funds to the executive director.

Money distributed pursuant to the bill must be used to supplement and not supplant any other funding for the establishment or improvement of a case management system.

#### *Task Force to Study Transparency Standards for State's Attorneys*

The bill (1) adds three members to the task force; (2) requires the task force to submit an annual report, due December 31 each year; and (3) extends the termination date of the task force by three years (from June 30, 2024, to June 30, 2027).

### Current Law:

#### *Office of the State's Attorney*

Under § 15-302 of the Criminal Procedure Article, the State's Attorneys' Coordinator, with the approval of the State's Attorneys' Coordination Council, must (1) establish and implement uniform reporting procedures for State's Attorneys and professional staffs of State's Attorneys to maintain and provide statistical data and information relating to

prosecutorial functions and standards of the office of State's Attorney and (2) accept and expend funds, grants, and gifts, and accept services from public or private sources.

#### *Task Force to Study Transparency Standards for State's Attorneys*

Chapter 141 of 2022 established the Task Force to Study Transparency Standards for State's Attorneys, staffed by the Department of Legislative Services (DLS). The task force must study the possibility of establishing minimum transparency standards for State's Attorneys. In conducting its study, the task force must (1) develop processes by which prosecutors can collect information and determine what information should be made public and what information may be kept private and (2) examine any existing policies of State's Attorneys' offices across the State relating to the transparency of data, the charging of crimes, and sentencing. The task force was required to report its findings and recommendations to the Senate Judicial Proceedings Committee and the House Judiciary Committee by December 31, 2023. The task force's December 2023 report can be found [here](#). The task force terminates June 30, 2024.

**State Fiscal Effect:** Despite the bill's June 1, 2024 effective date, it is assumed that State finances are not affected in fiscal 2024.

#### *Capitalization of the New Special Fund and Grants to State's Attorneys' Offices*

General fund expenditures increase by an estimated \$1.0 million annually from fiscal 2025 through 2027 to capitalize the State's Attorney Case Management System Grant Fund. Although the bill does not establish a mandated appropriation for the fund, or otherwise indicate a minimum funding level for the fund, this estimate assumes that at least \$1.0 million annually is needed – for the first three years – to provide sufficient grants to State's Attorney's offices to establish and/or improve their case management systems in accordance with the bill. Ongoing capitalization needs are possible, but the amount that may be needed for grant awards beyond fiscal 2027 is unknown.

Special fund revenues to and expenditures from the fund increase correspondingly each year, reflecting receipt of the capitalization funds and spending from the fund as grants are awarded to State's Attorney's offices. This analysis does not reflect any additional special fund revenues that may accrue to the fund from investment earnings or from other sources.

#### *Administrative Costs for the Governor's Office of Crime Prevention and Policy*

The bill does not authorize the new special fund to be used to pay GOCPP's administrative costs; thus, additional general funds are needed. Existing staff within GOCPP cannot handle the additional workload generated by the bill. Accordingly, general fund expenditures increase by an additional \$80,439 in fiscal 2025, which reflects a 30-day

start-up delay from the bill’s June 1, 2024 effective date. This estimate reflects the cost of hiring one part-time contractual grant specialist and one part-time contractual fiscal officer to establish grant application procedures, solicit proposals, and make grant awards to State’s Attorneys’ offices. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Part-time Contractual Positions (0.5 FTE)	2.0
Salaries and Fringe Benefits	\$66,467
Operating Expenses	<u>13,972</u>
<b>Total FY 2025 Admin. Expenditures</b>	<b>\$80,439</b>

Future year administrative expenditures reflect salaries with annual increases and employee turnover as well as ongoing operating expenses. While this analysis assumes that the contractual employees continue through fiscal 2029, to the extent the demand for grants decreases at some point in the future, the contractual employees may no longer be needed.

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.

*Other Effects*

The Office of Legislative Audits can audit the new special fund with existing budgeted resources, and DLS can continue to staff the task force using existing budgeted resources. Any expense reimbursements for task force members are assumed to be minimal and absorbable within existing resources.

**Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Baltimore, Charles, and Garrett counties; Governor’s Office of Crime Prevention and Policy; Maryland State’s Attorneys Association; Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2024  
rh/jkb

Analysis by: Joanne E. Tetlow

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510