

HOUSE BILL 678

P5, E1, E2

5lr1763
CF SB 478

By: **Delegates Valentino–Smith, A. Washington, D. Barnes, Barron, Campos, Davis, Gaines, C. Howard, Kelly, Pena–Melnik, Platt, Smith, Sydnor, Valderrama, Vaughn, and Walker**

Introduced and read first time: February 12, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Fiscal Notes – Criminal Justice Policy Impact Statements**

3 FOR the purpose of requiring a fiscal note for a bill to include a criminal justice policy
4 impact statement under certain circumstances; requiring the criminal justice policy
5 impact statement to contain certain information; requiring the Department of
6 Legislative Services to prepare the criminal justice policy impact statement by
7 requesting certain information from certain entities; prohibiting certain entities
8 from being required to prepare information for inclusion in the criminal justice policy
9 impact statement; prohibiting the Department from being required to make a certain
10 determination beyond reporting data provided under a certain provision of this Act;
11 and generally relating to criminal justice policy impact statements in fiscal notes.

12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 2–1505(e)
15 Annotated Code of Maryland
16 (2014 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – State Government**

20 2–1505.

21 (e) (1) A fiscal note for a bill shall contain an estimate of the fiscal impact of
22 the bill on the revenues and expenditures of the State government and of local
23 governments:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) during the year in which the bill is to become effective and the
2 next 4 years after that year; and

3 (ii) if the full fiscal impact of a bill is not expected to occur during
4 those years, during each year until and the first year during which that impact is expected
5 to occur.

6 (2) If a bill, as introduced or amended, imposes a mandate on a local
7 government unit, the fiscal note for the bill shall contain:

8 (i) a statement that clearly identifies the imposition of the mandate;
9 and

10 (ii) an estimate of the fiscal impact of the mandate and, if applicable
11 and if data is available, the effect on local property tax rates.

12 (3) If a bill, as introduced or amended, requires a mandated appropriation,
13 the fiscal note for the bill shall contain:

14 (i) a statement that clearly identifies the imposition of the
15 mandated appropriation; and

16 (ii) an estimate of the fiscal impact of the mandated appropriation.

17 (4) (I) **A FISCAL NOTE FOR A BILL SHALL INCLUDE A CRIMINAL
18 JUSTICE POLICY IMPACT STATEMENT IF THE BILL, AS INTRODUCED OR AMENDED,
19 DOES THE FOLLOWING:**

20 1. **CREATES A CRIMINAL OFFENSE;**

21 2. **SIGNIFICANTLY ALTERS THE ELEMENTS OF AN
22 EXISTING CRIMINAL OFFENSE;**

23 3. **ALTERS THE PENALTIES APPLICABLE TO A CRIMINAL
24 OFFENSE; OR**

25 4. **ALTERS EXISTING SENTENCING, PAROLE, OR
26 PROBATION PROCEDURES.**

27 (II) **THE CRIMINAL JUSTICE POLICY IMPACT STATEMENT
28 REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE, TO
29 THE EXTENT THE INFORMATION IS AVAILABLE, THE FOLLOWING:**

30 1. **AN ESTIMATE OF THE NUMBER OF CRIMINAL CASES
31 THAT WOULD BE AFFECTED BY THE BILL DURING THE YEAR IN WHICH THE BILL IS**

1 TO BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE FOLLOWING
2 YEARS;

3 2. AN ESTIMATE OF THE FISCAL IMPACT OF DETAINING,
4 IMPRISONING, OR IMPOSING OTHER PENALTIES ON INDIVIDUALS IN ACCORDANCE
5 WITH THE PROVISIONS OF THE BILL DURING THE YEAR IN WHICH THE BILL IS TO
6 BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE FOLLOWING YEARS;

7 3. DATA CONCERNING THE IMPACT OF THE BILL ON
8 RACIAL AND ETHNIC GROUPS;

9 4. THE POTENTIAL IMPACT OF THE BILL ON EXISTING
10 STATE OR COUNTY DETENTION FACILITIES, CORRECTIONAL FACILITIES, OR OTHER
11 PROGRAMS USED FOR SENTENCING;

12 5. WHETHER THE BILL IS LIKELY TO CREATE A NEED FOR
13 ADDITIONAL DETENTION FACILITIES, CORRECTIONAL FACILITIES, OR JUVENILE
14 PLACEMENT SERVICES; AND

15 6. THE ESTIMATE OF THE FISCAL IMPACT ASSOCIATED
16 WITH THE NEED FOR ADDITIONAL JUDICIAL RESOURCES FOR LEGAL
17 REPRESENTATION AND COURT SERVICES DURING THE YEAR IN WHICH THE BILL IS
18 TO BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE FOLLOWING
19 YEARS.

20 (III) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL
21 PREPARE THE CRIMINAL JUSTICE POLICY IMPACT STATEMENT BY REQUESTING
22 AVAILABLE INFORMATION FROM THE FOLLOWING:

23 1. THE DEPARTMENT OF JUVENILE SERVICES;

24 2. THE DEPARTMENT OF PUBLIC SAFETY AND
25 CORRECTIONAL SERVICES;

26 3. THE JUDICIARY; AND

27 4. ANY OTHER STATE, COUNTY, OR LOCAL ENTITY THAT
28 THE DEPARTMENT OF LEGISLATIVE SERVICES DEEMS NECESSARY.

29 (IV) THE DEPARTMENT OF LEGISLATIVE SERVICES OR ANY
30 OTHER STATE, COUNTY, OR LOCAL ENTITY MAY NOT BE REQUIRED TO PREPARE
31 INFORMATION THAT IS NOT READILY AVAILABLE FOR INCLUSION IN THE CRIMINAL
32 JUSTICE POLICY IMPACT STATEMENT.

1 **(v) THE DEPARTMENT OF LEGISLATIVE SERVICES MAY NOT BE**
2 **REQUIRED TO MAKE A DETERMINATION OF RACIAL OR ETHNIC IMPACT BEYOND**
3 **REPORTING THE DATA, IF ANY, PROVIDED UNDER SUBPARAGRAPH (III) OF THIS**
4 **PARAGRAPH.**

5 **[(4) (5)]** A fiscal note shall identify the sources of the information that the
6 Department used in preparing the estimates of fiscal impact.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2015.