

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1327
Judiciary

(Delegate Glass)

**Courts - Law Enforcement Officer as Witness - Prohibition on Postponement for
Inability to Appear**

This bill prohibits a court from postponing a trial or hearing regarding a misdemeanor traffic violation for which the penalty is a maximum fine of \$500 due to the law enforcement officer's inability to appear on the day of the trial unless (1) the officer informs the court of the officer's inability to appear at least one week in advance of the scheduled trial or hearing and (2) the court promptly informs the person charged of the postponement.

Fiscal Summary

State Effect: Potential minimal decrease in general fund fine revenues. The bill does not materially impact the workload of the District Court or the finances or operations of State law enforcement agencies.

Local Effect: The bill does not materially impact finances or operations of local law enforcement agencies.

Small Business Effect: None.

Analysis

Current Law/Background: There is no statutory provision prohibiting a postponement due to a law enforcement officer's inability to appear for a trial or hearing regarding misdemeanor traffic violations. The Judiciary advises that although it is unable to determine how many of the postponements occurred on the day of trial, in calendar 2015 there were approximately 2,051 postponements in the District Court for nonserious (payable) traffic cases due to officer unavailability.

State Revenues: General fund revenues may decrease minimally. Fine revenues that would have otherwise been imposed and collected are likely to be reduced as postponements are authorized only in specified circumstances, and additional cases are potentially dismissed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; cities of Bowie and Takoma Park; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2016
kb/kdm

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