



Senate Bill 1134

Criminal Procedure - Initial Appearance Before a District Court Commissioner - Costs for Appointed Legal Representation

MACo Position: **OPPOSE**

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To: Judicial Proceedings Committee

From: Natasha Mehu

The Maryland Association of Counties (MACo) **OPPOSES** SB 1134. This bill threatens an unfunded and unnecessary mandate on local governments, holding counties responsible for costs totally outside their control.

SB 1134 explicitly authorizes the Judiciary to charge local governments for any cost overruns in the Appointed Attorneys Program. This program provides indigent citizens with representation at initial appearances before district court commissioners as required by a recent Maryland Court of Appeals ruling.

This bill would have counties paying for cost overruns that are not within their control and that cannot be budgeted for in advance. Counties do not hire, manage, oversee, or schedule the appointed attorneys. All these functions are under the state Judiciary. This looming cost-shift creates much uncertainty for local governments as they prepare and manage their own budgets.

SB 1134 also sets an unwelcome precedent for the State to shift excess costs for state programs to local governments rather than addressing any deficiencies directly. The Maryland Court of Appeals held that an indigent defendant has a right to state-furnished counsel at an initial appearance before a District Court Commissioner. This is a state obligation that should be appropriately State-funded. Potential costs should not be shifted to local governments, who play no role in these functions.

Finally, as the program has come in under the \$10 million budget, it is not necessary to have counties as a backup for cost overruns. In Fiscal 2015, the Judiciary spent approximately \$8.1 million on hourly wages and travel reimbursements for the Appointed Attorneys Program. The Judiciary projects spending \$8.8 million in Fiscal 2016. There is no reason to anticipate the program would greatly increase in costs in Fiscal 2017 or future years.

SB 1134 shifts unmanageable costs to counties, rather than resolving the underlying justice issues triggering those costs. For these reasons, MACo urges an **UNFAVORABLE** report on SB 1134.