

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 75 (Delegate Hammen)
Judiciary

Prostitution or Lewdness - Seizure and Forfeiture of Motor Vehicles

This bill establishes seizure and forfeiture procedures applicable to a motor vehicle used in connection with the solicitation of prostitution or lewdness.

Fiscal Summary

State Effect: Minimal, as discussed below.

Local Effect: Potential revenue increases, as discussed below.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

Bill Summary: This bill provides that a vehicle used in connection with the solicitation of prostitution or lewdness is subject to seizure and forfeiture. It also provides that a motor vehicle may not be forfeited if the owner of the vehicle establishes that the violation occurred without the owner's knowledge.

The bill establishes that a motor vehicle may be seized on process by any court having jurisdiction, and establishes when a seizure without process may be made. Motor vehicles seized under these provisions are not repleviable. A seizing agency may place the vehicle under seal and remove it to a place selected by the court.

In addition, the bill provides for (1) the disposition and proceeds of sales of forfeited motor vehicles by the State or local jurisdictions; (2) time deadlines for, as well as required contents of, complaints seeking forfeiture; and (3) the rights of lienholders. The bill specifies the circumstances under which a motor vehicle may not be seized under these provisions and

when forfeiture may not be recommended.

Finally, the bill allows a court to: (1) take congruous actions to protect the rights of innocent persons; (2) resolve claims arising from these provisions; or (3) take measures necessary to safeguarding and maintaining motor vehicles ordered forfeited but pending disposition.

State Effect: There have been only a relatively low number of arrests by the State Police for prostitution or lewdness in recent years. In fiscal 1993, there were two arrests; in fiscal 1994, there were four arrests; and in fiscal 1995, there were seven. The current data does not indicate how many of those arrests involved the use of a motor vehicle, nor how many of the arrests resulted in convictions. Accordingly, the low number of arrests by the State Police for these crimes in recent years indicates that there should be no significant impact on State finances from the sale of any vehicles that might be involved in these arrests.

Any increase in workload for the District Court resulting from this bill would not appreciably affect court operations or finances.

Local Effect: There were 2,100 arrests in fiscal 1995 by local jurisdictions for these offenses. The current data does not indicate how many of these arrests involved the use of a motor vehicle or how many resulted in convictions.

However, for purposes of illustration, Anne Arundel County reports that current law allows the county to seize and cause the forfeiture of vehicles involved in illegal drug transactions. The county, which already has a Forfeit and Asset Seizure Fund, believes that any additional expenditures arising as a result of this bill would be covered by additional revenues in that fund from the sale of forfeited vehicles used for prostitution or lewdness.

Anne Arundel County estimates revenue from the sale of forfeited vehicles under the provisions of this bill to be approximately \$16,000 for fiscal 1998. That amount represents estimated revenue based on the sale of one forfeited vehicle per week and a forfeiture sale price of \$300 (52 vehicles x \$300=\$15,600).

Any additional workload for the circuit courts resulting from this bill would not appreciably affect court operations or finances.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Anne Arundel County, Baltimore City, Dorchester County, Garrett County, Department of Fiscal Services

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