

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

Senate Bill 712 (Senator McFadden)
(Baltimore City Administration)

Judicial Proceedings

Prostitution or Lewdness - Seizure and Forfeiture of Motor Vehicles

This bill allows the seizure and forfeiture of a motor vehicle used in the commission of an act of prostitution or lewdness, under specified circumstances, and provides for other related changes to these provisions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's increased monetary fine provision. Expenditures would not be affected. The provisions of this bill would not have a significant effect on the operations or finances of the State Police.

Local Effect: Potential annual revenue increases from forfeiture sales of \$588,000 annually. Enforcement and administration could be handled with the existing budgeted resources of local law enforcement agencies, State's Attorneys offices, and "forfeiting authorities."

Small Business Effect: None.

Fiscal Analysis

Bill Summary: This bill allows the seizure and forfeiture of a motor vehicle used in the commission of an act of prostitution or lewdness if specified conditions are met. The bill establishes the conditions under which a motor vehicle may not be forfeited, and when a vehicle must be returned to the owner. The bill specifies the determinations and actions that must be taken by a chief law enforcement officer prior to recommending forfeiture to a "forfeiting authority."

A court is authorized to determine whether a seizing unit or forfeiting authority acted in an abusive or erroneous manner. The bill provides the circumstances under which a court must release a motor vehicle or order forfeiture. The bill provides that vehicles released to lienholders must be sold in a commercially reasonable manner, and provides the priority

listing of how the proceeds from such a sale must be distributed. If a claim is not lodged by a lienholder on a forfeited vehicle, the political subdivision in which the vehicle was seized is allowed to sell it with proceeds of the sale applied to the general fund of that subdivision.

In addition, the bill alters the current law penalties applicable to “prostitution, lewdness, or assignation.” The bill changes the monetary penalty to a minimum of \$500, and allows only the confinement or commitment part of the sentence to be suspended. Current law misdemeanor penalties for these offenses are a maximum fine of \$500 and/or incarceration for one year. The current law sentencing provision also allows all or any part of the sentence to be suspended.

State Effect: Since prostitution/lewdness cases are misdemeanors, they are filed in the District Court. General fund revenues could increase minimally as a result of the bill’s increased monetary penalty provision. The District Court handles approximately 2,800 such cases per year statewide. It is unknown how many of those cases involved a motor vehicle.

The State Police has not made any arrests for prostitution/lewdness in recent years.

Local Effect: Of the statewide total of prostitution/lewdness cases filed in the District Court annually, approximately 1,800 cases occur in Baltimore City. An estimated 65%-75% of the city’s cases involve the use of a motor vehicle. If that percentage held for statewide cases, it can be assumed that between 1,820 and 2,100 cases could be subject to seizure and forfeiture proceedings statewide under this bill. It is unknown how many of those cases would actually result in an order for forfeiture.

Anne Arundel County estimates that, based on recent vehicle forfeitures and sales under current statutes (general drug cases), each vehicle sold would yield approximately \$300 in revenue. It is unknown whether such an average sale amount would be typical statewide because the model and condition of vehicles seized can range greatly. In any event, Anne Arundel County estimates one sale per week for an annual estimated revenue increase under this bill of \$15,600.

If an average of 1,960 prostitution/lewdness cases statewide involved the use of a motor vehicle, and if all of these cases actually resulted in a forfeiture sale at an average of \$300 per vehicle, local revenues could increase by \$588,000 statewide annually.

Information Source(s): Department of State Police, Baltimore City, Anne Arundel County, Garrett County, Department of Legislative Services

Fiscal Note History:

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Inc/jr

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