

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 283
Judiciary

(Delegate Arnick)

Vehicle Laws - Drunk and Drugged Driving - Notice of Repeat Violations

This bill requires a notice to be published of those convicted of or granted probation before judgment for a second or subsequent conviction within five years of driving or attempting to drive: (1) under the influence of alcohol; (2) under the influence of alcohol per se; (3) while impaired by alcohol; (4) while impaired by any combination of drugs and/or alcohol; or (5) while impaired by a controlled dangerous substance.

The clerk of the court, in the county where the offender was convicted or granted probation before judgment, must publish a notice in a general circulation newspaper for that county and contiguous counties within five days of the conviction or finding of guilt. The notice must include a photograph of the offender from the arresting law enforcement agency; identifying information; the date, time, and place of arrest; and case disposition. The court must assess the offender \$35 for the cost of publication, in addition to other court fees. The clerk, newspaper publisher, and any other person involved with publication are immune from civil liability for good faith actions taken to publish the notice. The bill has prospective application.

Fiscal Summary

State Effect: No net effect on State finances, assuming the required publications can be made on a cost recovery basis.

Local Effect: None.

Small Business Effect: Potential minimal. Newspapers that are small businesses could receive additional revenue from printing notices.

Analysis

Current Law: There is no provision that requires clerks of court to publish information about those who have been convicted of second or subsequent alcoholic driving offenses within a five-year period. In addition, not all persons charged with an alcohol or drug-related offense are required to be arrested and taken into custody. A police officer *may* arrest without a warrant a person who the police officer has probable cause to believe attempted to or was: (1) driving under the influence of alcohol; (2) driving while impaired by alcohol; (3) driving in violation of an alcohol restriction; (4) driving while impaired by any combination of drugs and/or alcohol; or (5) driving while impaired by a controlled dangerous substance.

There are court fees applicable to the offenses that are the subject of the bill. As criminal and jailable motor vehicle offenses, the district court charges \$20 for court costs and \$35 for criminal injuries compensation costs.

Background: This bill is similar to a provision enacted in Georgia, which requires the clerks of court to publish notification about second or subsequent convictions or findings of guilt related to alcohol- and drug-related driving offenses. The Georgia law applies to non-residents as well as residents. For non-residents, the clerk of court must publish notification in the county where the person was convicted or found guilty. For residents, the notification must be published in the county where the offender resides.

State Fiscal Effect: The bill requires the clerk of court to charge a \$35 fee to cover the cost of publishing a photograph and the other required information regarding those charged with two or more alcohol or drug-related driving offenses within five years. The Motor Vehicle Administration estimates that there are 9,200 convictions for alcohol- or drug-related driving offenses annually. About 50% of those are repeat offenders with at least one other alcohol- or drug-related driving conviction within a five-year period. For the estimated 4,600 repeat offenders anticipated on an annual basis, the Administrative Office of the Courts (AOC) would generate \$161,000 in fees to cover the cost of compliance (4,600 x \$35). Assuming that these revenues cover the costs to make the required publications, the bill would have no net effect on State finances.

The AOC advises that expenditures for publication of photographs are difficult to determine, as publication costs vary depending on the newspaper. Also, the bill does not specify how long a notice should remain in a newspaper, a factor that will also affect costs greatly.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Legislative Services

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