

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 426 (Senator Jacobs, *et al.*)
Judicial Proceedings

Vehicle Laws - Reckless Driving While License Is Suspended or Revoked -
Penalty for Serious Bodily Injury

This bill establishes penalties for any person who, while violating the prohibition against driving with a canceled, suspended, refused, or revoked driver's license, engages in reckless driving that results in serious bodily injury or death. A violator is subject to maximum penalties of three years imprisonment and/or a fine of \$1,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: "Serious bodily injury" means an injury that (1) creates a substantial risk of death; (2) causes serious permanent or protracted disfigurement; (3) causes serious permanent or protracted loss of the function of any body part, organ, or mental faculty; or (4) causes serious permanent or protracted impairment of the function of any bodily member or organ.

Reckless Driving: A person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property or in a manner that

indicates a wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a fine of up to \$1,000. The Motor Vehicle Administration (MVA) is also required to assess six points against the driver's license. The District Court prepayment penalty, including court costs, is \$510 for this offense.

Driving While License is Refused, Canceled, Suspended, or Revoked: A person may not drive a motor vehicle on any highway while the person's license or privilege to drive is refused, suspended, canceled, or revoked in Maryland or any other state. A violation is a misdemeanor and the violator is subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000 for a first offense. For any subsequent offense, the violator is subject to maximum penalties of two years imprisonment and/or a fine of \$1,000. If the license is suspended due to lapse of required security, noncompliance with a traffic citation issued under state or federal law, or nonpayment of a fine, the violation is a misdemeanor and the violator is subject to maximum penalties of two months imprisonment and/or a fine of \$500.

For driving after a license has been refused, suspended, canceled, or revoked (except for certain types of suspensions), MVA is required to assess 12 points against the license. MVA must revoke a license that has accumulated 12 points. For driving after suspension of a license due to a lapse in required security, noncompliance with traffic citations issued under state or federal law, or nonpayment of a fine, MVA is required to assess three points against the driver's license.

The District Court does not assess a prepayment penalty for any of the above-mentioned driving without a valid license offenses. A person charged with any of these offenses must appear in court to answer the charges.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people subjected to the bill's penalties for committing these offenses is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2010 are estimated to range from \$23 to \$71 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit court.

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$46 to \$141 per inmate in fiscal 2010.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mlm/ljm

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