

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 105

(Chair, Judiciary Committee)(By Request - Departmental
- State Police)

Judiciary

Judicial Proceedings

Vehicle Laws - Races and Speed Contests - Enforcement and Penalties

This departmental bill increases the penalty for illegally driving in a vehicle race or speed contest that results in serious bodily injury to another person by authorizing a maximum penalty of one year imprisonment and/or a \$1,000 fine. The bill authorizes the police to arrest, without a warrant, a person suspected of committing such a violation if the officer has probable cause.

Fiscal Summary

State Effect: Minimum general fund increase in revenues and expenditures due to the bill's penalty provisions. Enforcement can be handled with existing resources.

Local Effect: Minimum increase in expenditures due to the bill's incarceration provision. Enforcement can be handled with existing resources.

Small Business Effect: The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Except for motor vehicle or bicycle racing events approved by the State Highway Administration or a local authority, as specified, a person may not drive a vehicle in a speed or race contest on any highway or any private property that is used by the public in general, or participate as a flagman or timekeeper in such a race, whether or not on a wager for a prize or reward. A violator is guilty of a misdemeanor and is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is

\$290 and the Motor Vehicle Administration must assess five points against the driver's license of the violator. A person who accumulates five points on his or her driver's license within a two-year period must attend a driver improvement program.

A police officer may arrest a person without a warrant for a violation of the Maryland Vehicle Law or any traffic law or ordinance of any local authority if:

- the person has committed or is committing specified violations in the view or presence of the officer relating to transporting hazardous materials or vehicle weight;
- the person has committed or is committing the violation in the view or presence of the officer and the person does not furnish identification or the officer has reasonable grounds to believe the person will disregard a traffic citation;
- the officer has probable cause to believe that the person committed any one of nine specified offenses relating to impaired driving, leaving the scene of an accident, driving without or on a suspended or revoked license, fleeing and eluding an officer, causing or contributing to an accident, or falsifying motor vehicle documents and registration plates;
- the person is a nonresident and the officer has probable cause to believe that the person committed the violation which contributed to an accident; or
- the officer has probable cause to believe that the person committed the violation, the person is issued a traffic receipt, and the person refuses to acknowledge its receipt by signature.

A person arrested without a warrant must be arrested in the same manner as other misdemeanor cases and taken without unnecessary delay before a District Court commissioner, unless the officer decides to release the person upon the person's written promise to appear for trial.

A "serious bodily injury" is an injury that creates a substantial risk of death or causes serious permanent or protracted disfigurement, or impairment of the function of any bodily member or organ; or the serious protracted or permanent loss of the function of any body part, organ, or mental faculty.

Background: Maryland has had two severe incidents of drag racing that resulted in death and serious injury. On Interstate 70 in Baltimore County, during a June 2009 street racing incident, one pedestrian spectator was killed and a driver seriously injured due to a crash at the start of the race. The driver of one of the vehicles is now in a vegetative state with no hope of recovery. In February 2008 on Route 210 in Prince George's County, eight people were killed and another eight injured at a drag racing event. During this

event, the people were killed by an unsuspecting driver who drove into a crowd that had gathered to watch the race and blocked the highway being used by the driver.

The Department of State Police advises that street races typically involve racers and spectators who meet at a popular gathering place, usually in a relatively remote area. They decide where the race should be held, convoy to the site, and mark off a one-eighth or one-quarter mile track. Cars line up at the starting line and a starter stands between the cars and drops his or her hands to begin the race. As many as several hundred spectators may be watching. At illegal street races, spectators often stand near inexperienced drivers and poorly maintained vehicles. Street racing can also be unorganized and sporadic in nature, involving impromptu, one-time races between strangers. Police have few resources for dealing with these types of races.

According to a 2004 report issued on street racing by the U.S. Department of Justice, street races have become extraordinarily brazen and elaborately orchestrated. They often involve timekeepers, flaggers, lookouts equipped with computers, police scanners, two-way radios, and walkie-talkies. Websites set up for these races announce the locations and may calculate the odds of being caught by police. Some websites even include a link to the police agency so participants can check on whether arrest warrants have been issued for them.

The Department of State Police advises that citations were issued in 2009 and 2010 as shown below:

<u>Violation</u>	<u>Citations Issued</u>	
	<u>Calendar 2009</u>	<u>Calendar 2010</u>
Driving and participating as flagman/ timekeeper in unlawful speed contest	6	2
Driving in unlawful speed contest	338	284
Participating as flagman/timekeeper in unlawful speed contest	6	9

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

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction facilities for convictions in Baltimore City. The number of people convicted under these expanded penalties is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures increase as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from \$57 to \$157 per inmate in recent years.

Additional Information

Prior Introductions: HB 425 of 2010 received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, U.S. Department of Justice, *The Washington Post*, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2011
mc/ljm Revised - House Third Reader - March 22, 2011

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vehicle Laws – Races and Speed Contests – Enforcement and Penalties

BILL NUMBER: HB 105

PREPARED BY: Maryland State Police

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.