

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 709

(Senator Carter)

Judicial Proceedings

Judiciary

Driver's License Suspensions – Failure to Satisfy Judgment – Penalties and
Assessment of Points

This bill eliminates imprisonment as a possible penalty for a person convicted of driving with a license that is suspended due to an unsatisfied judgment. The bill also (1) reduces the points assessed (from 12 to 3) and (2) reduces the maximum fine (from \$1,000 to \$500) for an individual convicted of driving with a license that is suspended due to an unsatisfied judgment.

Fiscal Summary

State Effect: General fund revenues decrease, likely minimally, beginning in FY 2021 as some individuals are subject to a reduced maximum fine. Any decrease in revenues may be partially offset by a decrease in general fund expenditures that results from fewer people being imprisoned under the bill.

Local Effect: Local government expenditures may decrease minimally beginning in FY 2021 due to fewer people being imprisoned in local detention facilities under the bill. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Exhibit 1 shows how the bill affects points assessed, the maximum fine, and the term of imprisonment for a violation of driving with a license that is suspended due to an unsatisfied judgment.

Exhibit 1
Penalties, Fines, and Imprisonment Under
Current Law and the Bill

<u>Conviction For:</u>	<u>Points Assessed Under</u>		<u>Maximum Fine Under</u>		<u>Maximum Term of Imprisonment Under</u>	
	<u>Current</u>	<u>The Bill</u>	<u>Current</u>	<u>The Bill</u>	<u>Current</u>	<u>The Bill</u>
	<u>Law</u>	<u>The Bill</u>	<u>Law</u>	<u>The Bill</u>	<u>Law</u>	<u>The Bill</u>
Driving with a suspended license for failure to satisfy a judgment	12	3	\$1,000	\$500	1 year (if 1st offense); 2 years (2nd or subsequent offense)	None

Source: Department of Legislative Services

Under current law, on receipt of a certified copy of a judgment and a certificate of facts related to nonpayment of the judgment, the Motor Vehicle Administration must suspend the license to drive of the judgment debtor and the registration of all vehicles owned by the judgment debtor (and registered in Maryland).

Under current law, a person convicted of driving with a suspended license is generally subject to a fine of up to \$1,000 and/or imprisonment for up to one year. For a second or subsequent offense, the possible term of imprisonment increases to a maximum of two years (and/or a fine of up to \$1,000). In addition, if convicted, 12 points are assessed against the individual's driver's license. In both cases, the person must appear in court and may not prepay the fine.

Under the bill, a person who receives a citation for driving with a license that is suspended for failure to satisfy a judgment is no longer subject to a possible term of imprisonment. Instead, the individual is subject to a maximum fine of \$500, must appear in court, and may not prepay the fine. In addition, if convicted, 3 points are assessed against the individual's driver's license.

State Fiscal Effect: General fund revenues decrease, likely minimally, beginning in fiscal 2021 due to the lower maximum fine for driving with a suspended license for failure to satisfy a judgment. In addition, general fund expenditures may decrease minimally beginning in fiscal 2021 due to people no longer being committed to State correctional

facilities for convictions in Baltimore City. The number of people currently imprisoned for driving with a suspended license for failure to satisfy a judgment cannot be determined but is assumed 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 Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Persons serving a sentence longer than 18 months are incarcerated in State correctional 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 a State correctional facility.

Local Expenditures: Expenditures may decrease minimally as a result of the bill's removal of the incarceration penalty for driving with a license that was suspended due to failure to satisfy a judgment. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. A \$45 per diem State grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility. Per diem operating costs of local detention facilities have ranged from approximately \$40 to \$170 per inmate in recent years.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 884 (Delegate Moon, *et al.*) - Judiciary.

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

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