

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 68 (Senator Carozza, *et al.*)
 Judicial Proceedings

Reckless and Negligent Driving - Death of Another - Must-Appear Violation
(Sherry's and Christian's Law)

This bill specifies that a person charged with a reckless or negligent driving offense that contributes to an accident resulting in the death of another must appear in court and may not prepay the fine. A court, for good cause shown, may waive the requirement to appear in court and allow a person to enter a plea of guilty and prepay the fine, but it may only do so after it has issued a writ setting the date, time, and place for the person to appear.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$85,400 in FY 2025 only; enforcement can otherwise be handled with existing resources. Revenues are not materially affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	85,400	0	0	0	0
Net Effect	(\$85,400)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: An individual is guilty of reckless driving if the individual drives a motor vehicle 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 maximum fine of \$1,000. The Motor Vehicle Administration (MVA) is also required to assess six points against the driver's license upon conviction for this offense. The District Court prepayment penalty, including court costs, is \$510 for this offense.

An individual is guilty of negligent driving if the individual drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or safety of any person. This violation is a misdemeanor, subject to a maximum fine of \$500. Upon conviction, MVA must assess one point against the driver's license, or three points if the offense contributes to an accident. The District Court assesses a prepayment penalty of \$240 for this offense or \$280 if the offense contributes to an accident.

State Expenditures: General fund expenditures for the Judiciary increase by \$85,421 in fiscal 2025 for one-time programming costs to reflect the bill's changes. The Judiciary can handle the establishment of must-appear offenses for reckless driving (contributing to an accident resulting in the death of another) and negligent driving (contributing to an accident resulting in the death of another) with existing budgeted resources.

For context, the Judiciary advises that, in fiscal 2023, 5 citations were issued for a reckless driving offense that contributed to an accident resulting in the death of another; in fiscal 2022, 8 citations were issued. With respect to negligent driving offenses that contributed to an accident resulting in the death of another, the Judiciary advises that 28 and 30 citations were issued to individuals for such offenses in fiscal 2022 and 2023, respectively.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 252 and HB 360 of 2023; SB 25 and HB 7 of 2022; and SB 495 and HB 668 of 2021.

Designated Cross File: None.

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

Fiscal Note History: First Reader - January 29, 2024
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