

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE

Senate Bill 381 (Senator Jimeno)

Judicial Proceedings

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**Vehicle Laws - Driving While License Canceled, Suspended, Refused, or Revoked - Penalties**

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This bill increases the penalty that may be imposed on an individual convicted of driving with a canceled, suspended, refused, or revoked license from a maximum of one year imprisonment for the first offense and two years imprisonment for the second offense to a maximum of five years imprisonment for any offense. The bill does not increase the maximum monetary penalty of \$1,000 that may be assessed in lieu of or in addition to imprisonment.

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**Fiscal Summary**

**State Effect:** Potential increase in general fund expenditures due to the bill's increased penalty provision. Potential decrease in general fund revenues.

**Local Effect:** Indeterminate effect on expenditures due to the bill's penalty provision. Local revenues could increase by an indeterminate amount.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Revenues:** General fund revenues could decrease as the increased incarceration penalty may lead to more defendants requesting jury trials. As more cases are heard in circuit courts instead of the District Court, fine revenue allocated to the general fund would decrease.

**State Expenditures:** In fiscal 1998 there were 45,174 citations issued for all violations related to driving with a canceled, suspended, refused, or revoked license. All individuals

receiving such citations must appear for trial. Of those receiving citations in 1998, 19,495 appeared for trial. The District Court does not record the number of traffic trial cases that result in convictions.

It is not clear to what extent this bill may impact sentences sought by States' Attorneys or to what extent increased sentences will be imposed. In any event, persons serving a sentence longer than one year are incarcerated in Division of Correction (DOC) facilities. If the bill increases the number of sentences with a term greater than one year, general fund expenditures could increase. For illustrative purposes, of the 142 individuals incarcerated at the DOC facility in Baltimore City for driving with a revoked license, the average stay is four months.

Currently, the average total cost per inmate, including overhead, is estimated at \$1,600 per month. Absent a dramatic change in current sentencing, this bill alone should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

Because the bill may also result in longer sentences to be served at local detention facilities, State reimbursements to counties could also increase. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. 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 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction.

**Local Revenues:** Revenues could increase as more cases are heard in the circuit courts.

**Local Expenditures:** Local incarceration expenditures could decrease if the bill results in a greater number of individuals being sentenced to terms over one year. However, the bill could also result in longer sentences under one year, thereby increasing incarceration costs. 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 \$15 to \$80 per inmate in fiscal 2000.

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**Information Source(s):** Judiciary (The District Court), Office of Administrative Hearings, Maryland Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 1999

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