

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 718 (Senator McFadden)
(Baltimore City Administration)

Judicial Proceedings

Prostitution or Lewdness - Seizure and Forfeiture of Motor Vehicles

This bill authorizes the seizure and forfeiture of a motor vehicle used in connection with a second or subsequent violation of the prohibitions against prostitution, lewdness, or assignation. Proceeds from the sale of such a vehicle may be retained by the governmental unit that seized the vehicle.

The bill also requires a minimum mandatory fine of \$500 for a prostitution, lewdness, or assignation violation. The minimum mandatory fine does not apply to any offense committed before the bill's October 1, 2000 effective date.

Fiscal Summary

State Effect: The bill would not significantly impact State operations or finances.

Local Effect: Baltimore City revenues would increase by an estimated \$131,400 annually from automobile forfeitures. Minimal increases in revenues for other local jurisdictions.

Small Business Effect: Potential minimal.

Analysis

Current Law: Seizure and forfeiture of motor vehicles used in connection with prostitution or lewdness offenses is not authorized.

A person convicted of a prostitution, lewdness, or assignation offense is subject to a

maximum fine of \$500 or incarceration for one year or both.

State Revenues: District Court fine revenues could increase minimally as a result of the bill's imposition of a \$500 mandatory minimum fine.

The bill's seizure and forfeiture provisions are not expected to result in a significant increase in revenues for the State. The Department of State Police made two prostitution arrests in 1998.

Local Revenues: The seizure and forfeiture provisions of the bill are not expected to result in a significant increase in revenues for local governments. Pursuant to the bill, there are many reasons why a motor vehicle may not be forfeited, including use by someone other than the owner. If a third party has a security interest in a motor vehicle that is seized, that interest must be protected. The seizing authority would receive proceeds only after court costs have been paid, the lienholder's interest has been satisfied, and all other costs related to the seizure have been paid. It is estimated that the average net return from a vehicle forfeiture under the bill would be \$500.

The District Court handled 2,138 prostitution/lewdness/assignation cases in fiscal 1999. 1,312 of these violations occurred in Baltimore City. Information regarding the number of these cases that are subsequent offenses and involve motor vehicles is not readily available. Assuming that forfeiture would be available in 20% of the cases, Baltimore City revenues would increase by an estimated \$131,400 annually. Revenue increases for other jurisdictions would be minimal.

Additional Information

Prior Introductions: A similar bill was introduced during the 1999 session as SB 712. That bill passed the Senate, but received an unfavorable report from the House Judiciary Committee. The companion bill, HB 1175, was withdrawn.

Cross File: HB 735 (Delegate Marriott, *et al.*) - Judiciary.

Information Source(s): Judiciary (District Court of Maryland); Department of State Police; Maryland State's Attorneys' Association; Office of the Public Defender; Department of Public Safety and Correctional Services (Division of Correction); Baltimore City; Allegany, Montgomery, Prince George's, and Talbot counties; Department of Legislative Services

Fiscal Note History: First Reader - February 29, 2000
cm/jr

Analysis by: Claire E. Rooney

Direct Inquiries to:

John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510