

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

Senate Bill 141 (Senator DeGrange, *et al.*)
 Judicial Proceedings

Law Enforcement Drunk and Drugged Driving Prevention Fund

This bill establishes a Law Enforcement Drunk and Drugged Driving Prevention Fund to assist law enforcement agencies in acquiring law enforcement equipment used to aid in the prevention of drunk and drugged driving. The fund is financed by a \$100 surcharge imposed on people who are convicted of, or receive probation before judgment, for a “drunk and drugged driving” offense.

The bill takes effect July 1, 2001.

Fiscal Summary

State Effect: Special fund revenues and expenditures would increase by a maximum of \$2.06 million in FY 2002. Out-year estimates assume a constant number of convictions and probations before judgment for drunk and drugged driving offenses. General fund expenditures would increase by about \$60,000 in FY 2002 only for modifications to District Court systems. Potential decrease in general fund revenues if other fine revenue decreases as a result of the bill. Transportation Trust Fund expenditures would increase by about \$41,300 in FY 2002 for a new employee. Out-year expenditures reflect salary increases and inflation. The State Police could receive funds for equipment purchases.

| (in dollars) | FY 2002 | FY 2003 | FY 2004 | FY 2005 | FY 2006 |
|----------------|-------------|------------|------------|------------|------------|
| GF Revenue | - | - | - | - | - |
| SF Revenue | 2,060,000 | 2,060,000 | 2,060,000 | 2,060,000 | 2,060,000 |
| GF Expenditure | 60,000 | 0 | 0 | 0 | 0 |
| SF Expenditure | 2,101,300 | 2,110,900 | 2,113,600 | 2,116,600 | 2,119,700 |
| Net Effect | (\$101,300) | (\$50,900) | (\$53,600) | (\$56,600) | (\$59,700) |

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

Local Effect: Local law enforcement agencies could receive funds for equipment purchases. The maximum estimated aggregate amount of grants to local law enforcement agencies is \$2.06 million annually, less any amounts awarded to the State Police.

Small Business Effect: None.

Analysis

Bill Summary: The Law Enforcement Drunk and Drugged Driving Prevention Fund is a continuing, non-lapsing, special fund to be administered by the Motor Vehicle Administrator. Expenditures from the fund may be made only in accordance with a budget appropriation or through the budget amendment procedure. Grants must be used to supplement, not supplant, other law enforcement funding.

“Drunk and drugged driving” is defined as:

- homicide by motor vehicle or vessel while intoxicated;
- operating a vessel while intoxicated or while under the influence of alcohol or drugs;
- driving while intoxicated, while intoxicated per se, or while under the influence of alcohol, a combination of alcohol and a drug, or a controlled dangerous substance;
or
- consumption of alcoholic beverages while driving on a highway.

The Department of State Police, the sheriff of a county, and the police department of a county or municipal corporation are eligible to receive funds.

In conjunction with the Motor Vehicle Administrator, the Chief Judge of the District Court shall establish a procedure for promptly notifying the administrator of the amount the District Court collects and the name and address of the individual from whom the amount is due. The administrator shall establish a Law Enforcement Drunk and Drugged Driving Prevention Fund Board to review grant applications and to make recommendations about the award of grants. A law enforcement agency that receives a grant award from the fund must submit proof of expenditure. The administrator must submit an annual report by September 1 of each year to the Governor and the General Assembly on the distribution and expenditure of aid provided by the fund.

Current Law: There is no Law Enforcement Drunk and Drugged Driving Prevention Fund. The penalties for the offenses referenced in the bill are shown in **Exhibit 1**.

Exhibit 1

| Offense* | Fine | Prison |
|--|---------|----------|
| Homicide by motor vehicle or vessel while intoxicated | \$5,000 | 5 years |
| Operating a vessel while intoxicated or under the influence of alcohol or drugs | \$1,000 | 1 year |
| Driving while intoxicated, intoxicated per se or while under the influence of alcohol, a combination of alcohol, and a drug, or a controlled dangerous substance | \$1,000 | 1 year |
| | \$500 | 6 months |
| | \$500 | 6 months |
| | \$500 | 6 months |
| Consuming alcoholic beverages while driving | \$520 | N/A |

* Maximum for first offense penalties only

Background: The District Court advises that it handles approximately 38,500 drunk and drugged driving violations each year. About 20,600 of these result in a conviction or probation before judgment.

State Fiscal Effect: Special fund revenues and expenditures would increase by a maximum of \$2.06 million (\$100 surcharge for 20,600 violators) annually.

The District Court advises that it will need to modify its cash register and automated traffic, criminal, and courtroom systems as a result of the bill, at a total cost of \$60,000. The District Court further advises that general fund revenues could decrease as a result of the bill because judges may reduce other fines they impose upon defendants to fully or partially offset the new \$100 fee.

Transportation Trust Fund expenditures could increase by an estimated \$41,256 in fiscal 2002, which accounts for a 90-day start-up delay from the bill's July 1, 2001 effective date. This estimate reflects the cost of hiring an agency grants specialist to administer the grant program, including reviewing grant applications, ensuring that requirements are met, and performing reporting functions. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

| | |
|---------------------------------------|-----------------|
| Salaries and Fringe Benefits | \$36,358 |
| Equipment and Operating Expenses | <u>4,898</u> |
| Total FY 2002 TTF Expenditures | \$41,256 |

Future year expenditures reflect: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (District Court of Maryland), Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

Fiscal Note History: First Reader – February 14, 2001
ef/jr

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