

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 703 (Senator Forehand)

Judicial Proceedings

**Alcoholic Beverages Violations - Drivers' Licenses and Driving Privileges -
Suspensions**

This bill requires the circuit and juvenile courts to notify the Motor Vehicle Administration (MVA) when a person under 21 years of age is found guilty of specified alcoholic beverages violations. The circuit and juvenile courts are authorized to order the MVA to initiate an action to suspend the driver's license or driving privileges of a person or child. The Chief Judge of the District Court, in conjunction with the Chief Judge of the Court of Appeals and the MVA, shall establish uniform procedures for reporting violations to the MVA.

The bill also authorizes the District Court and circuit courts to order the Department of Health and Mental Hygiene (DHMH) to evaluate an 18 to 21 year old who is found guilty of specified alcoholic beverages violations to determine if the person is in need of or may benefit from a drug and alcohol treatment program. The court may order the person to complete any recommended program.

Fiscal Summary

State Effect: Special fund expenditures could increase by \$34,500 in FY 2002. General fund expenditures could increase from the drug and alcohol treatment provision if drug and alcohol treatment programs are expanded to specifically serve this population. Out-year expenditures reflect annualization and ongoing operations. No effect on revenues.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	-	-	-	-	-
SF Expenditure	34,500	46,000	46,000	46,000	46,000
Net Effect	(\$34,500)	(\$46,000)	(\$46,000)	(\$46,000)	(\$46,000)

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

Local Effect: Any additional workload for the circuit courts could be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the circuit courts to notify the Motor Vehicle Administration (MVA) if a person from 18 to 21 years old (or a minor under the court's jurisdiction) is found guilty of possessing alcohol or misrepresenting one's age to buy alcohol. A court may order the MVA to initiate an action to suspend the driving privileges of a person age 18 to 21; for a first offense the suspension shall not exceed six months; for a subsequent offense the suspension shall be for one year or until the person's twenty-first birthday, whichever occurs later.

A juvenile court must notify the MVA if it finds a child to have violated: any of the provisions in Article 2B, Title 19 *Disorderly Intoxication*; misrepresenting one's age to purchase alcohol; possessing alcohol; possessing a false identification; providing alcohol to a minor; failing or refusing to furnish proof of identification and age upon request by a law enforcement officer; possessing alcohol (Anne Arundel and Worcester counties only); drinking or possessing alcohol on school premises; or consuming alcohol while driving. The court may also order the MVA to initiate an action to suspend the driving privileges of a child. A suspension for a first offense shall not exceed six months, a suspension for a subsequent offense shall either be one year or until the person's twenty-first birthday, whichever occurs later.

Current Law: While the alcohol violations referenced in this bill can be heard in both the District Court and the circuit courts, only the District Court is required to report a person's alcohol-related violations to the MVA. Such cases are generally heard in the District Court.

A juvenile court may order the MVA to initiate an action to suspend a child's driver's license for the referenced violations, but is not required to do so. The penalty for a child's first offense is a six-month suspension; subsequent offenses result in a license suspension until the child is 21. If the child is not yet 16 the penalty begins on the day the child turns 16.

Background: The vast majority of these alcoholic beverage violations (for persons at least 18 years old) are adjudicated in the District Court where they are originally charged, but some find their way to a circuit court (due to an appeal or other action). The District

Court and the circuit courts use the Judicial Information System to report traffic violators to the MVA, but only the District Court uses it to report criminal violations to the MVA.

Since criminal reporting from the circuit courts is not required, estimating the annual report volume is difficult. As a point of reference, the MVA advises that it received approximately 40 reports last year from Howard County circuit court, the only circuit court that submits reports. Most of these resulted in a license suspension. Based on Howard County's results, it is estimated that the bill will result in about 1,000 new reports statewide and most will result in license suspensions.

State Expenditures: Transportation Trust Fund expenditures could increase by \$34,500 in fiscal 2002, which accounts for a 90-day start-up delay. Based on experience, the MVA estimates that about 50% of all drivers' license suspensions will be appealed to the Office of Administrative Hearings (OAH). Assuming the MVA suspends a maximum of 1,000 drivers' licenses as a result of this bill and OAH continues to charge \$92 per case, special fund expenditures will increase by \$46,000 on an annual basis. Any additional workload for the MVA could be handled with existing resources.

Any court ordered drug and alcohol treatment evaluations would be conducted by the county health departments and could be handled with existing resources. However, the bill contains no provisions as to which entity is responsible for funding any treatment that may be ordered. DHMH pays for most in-patient drug and alcohol treatments but driving while intoxicated and/or driving under the influence education classes are self-pay. Other State agencies that could provide substance abuse treatment to this population include the Department of Juvenile Justice, the Division of Correction, and the Division of Parole and Probation.

The bill is also silent on how the courts may view any drug or alcohol treatment a violator may voluntarily complete before trial. It is a common practice for a person to complete such treatment before trial. If these treatments meet the recommendations of DHMH, then that would also affect any potential State expenditures.

Additional Information

Prior Introductions: None.

Cross File: HB 699 (Delegate Bronrott, *et al.*) – Judiciary.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader – February 13, 2001
ncs/jr

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