

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

Senate Bill 525 (Senator Jimeno, *et al.*)

Judicial Proceedings

Judiciary

Vehicle Laws - Drunk Driving - Repeat Offenders

This bill requires the Motor Vehicle Administration (MVA) to suspend for one year the driver's license of a person who is convicted more than once within a five-year period of driving or attempting to drive while intoxicated or intoxicated per se (DWI). A person who is convicted of DWI more than once within a five-year period must participate in the ignition interlock program for at least 12 months subsequent to the license suspension period as a condition of license reinstatement. A repeat offender must also undergo an alcohol and drug abuse assessment and receive any appropriate treatment recommended.

The bill alters the definition of imprisonment to include home detention with electronic device monitoring.

Fiscal Summary

State Effect: Special fund expenditures would increase by \$50,200 in FY 2002. Out-year expenditures reflect ongoing operations. 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. Potential increase in special fund revenues from MVA fees beginning in FY 2003.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
SF Revenue	\$0	-	-	-	-
GF Expenditure	-	-	-	-	-
SF Expenditure	50,200	68,700	71,300	73,900	76,800
Net Effect	(\$50,200)	(\$68,700)	(\$71,300)	(\$73,900)	(\$76,800)

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

Local Effect: Local expenditures would increase to the extent that the mandatory imprisonment provisions increase the number of inmates in local jails.

Small Business Effect: None.

Analysis

Bill Summary: The MVA must suspend for one year the driver's license of a person who is convicted of DWI within five years of having been previously convicted of DWI.

A person who is convicted of DWI a second time within a five-year period is subject to a mandatory penalty of: (1) imprisonment for not less than five days; or (2) community service of not less than 30 days.

A person who is convicted of DWI a third or subsequent time within a five-year period is subject to a mandatory penalty of: (1) imprisonment of not less than ten days; or (2) community service for not less than 60 days.

A person who is convicted of DWI a second or subsequent time within a five-year period shall also be required by the court to undergo a comprehensive drug and alcohol assessment and, if recommended, participate in a treatment program certified by the Department of Health and Mental Hygiene (DHMH).

Current Law: A person who is convicted of DWI within three years of a previous conviction is subject to a mandatory penalty of: (1) imprisonment for not less than 48 consecutive hours; or (2) community service of not less than 80 hours.

If a person's license is suspended the individual may file a reinstatement application no earlier than one year after the license was surrendered.

A person who participates in the ignition interlock program may have the license suspension period reduced by 15 to 180 days, depending on the number of prior convictions for the same offenses.

Background: In 2000 there were 4,660 DWI convictions. Studies show that about half of these, or approximately 2,330, have had a similar conviction within the last five years. There are about 3,700 people enrolled in the ignition interlock program, of whom approximately 1,500 have a similar offense within the past five years.

Failure to conform the State's law on repeat alcohol and/or drug-impaired driving offenders to federal regulation by October 1, 2001 will alter federal funds allocated to the State under the Transportation Equity Act for the 21st Century. Funds allocated under specified highway programs would be transferred to safety programs emphasizing

alcohol-impaired driving countermeasures or enforcement of drunk driving laws. Approximately \$3.85 million was transferred in fiscal 2001 and approximately \$3.85 million will be transferred in 2002, doubling to \$7.7 million in fiscal 2003 and each year thereafter. Overall total funding to the State would not be affected. This bill would make the necessary changes to conform State statute to federal regulations.

State Expenditures: Transportation Trust Fund (TTF) expenditures could increase by an estimated \$50,182 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring one administrative specialist to work as a case manager for approximately 1,500 new ignition interlock participants. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salary and Fringe Benefits	\$27,708
Contractual Services	18,750
Operating Expenses	<u>3,724</u>
Total FY 2002 State Expenditures	\$50,182

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.

Any court ordered drug and alcohol assessment 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 recommended. 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.

State Revenues: The bill is expected to increase the number of driver's license suspensions and revocations. For a revocation, the MVA collects a \$15 filing fee for an application to reinstate a license plus \$60 for the reinstatement on an alcohol or drug-related driving offense. An additional \$30 fee is assessed to produce the new license.

Further, the MVA imposes a fee of \$20 to reissue a license after an alcohol or drug-related suspension. TTF revenues could increase in future years depending upon the number of reinstatements.

Additional Information

Prior Introductions: None.

Cross File: HB 1048 (Delegate Grosfield, *et al.*) – Judiciary.

Information Source(s): Department of Transportation (Motor Vehicle Administration), Department of State Police, National Conference of State Legislatures, Department of Legislative Services

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