

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 623

(Delegate Niemann, *et al.*)

Judiciary

Criminal Law - Motor Vehicle Registration Plates - Unauthorized Use

This bill alters penalties related to attaching a registration plate to a motor vehicle that is not authorized by law for that motor vehicle. A violation is a misdemeanor and, for a first offense, a violator is subject to a maximum fine of \$500, imprisonment not exceeding 90 days, or both. For a second offense, a violator is subject to a maximum fine of \$1,000, imprisonment not exceeding 18 months, or both. The bill also eliminates the requirement of a specific intent to conceal or misrepresent the identity of the vehicle or the owner as an element that must be proved in a prosecution for the violation. The bill transfers the provision from the Maryland Vehicle Law to the Criminal Law Article.

A record of the Motor Vehicle Administration (MVA) that indicates the vehicle identification number of the vehicle to which a registration plate is assigned and meets other requirements is prima facie evidence that the registration plate attached to the vehicle is not authorized for that motor vehicle.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in expenditures due to the bill's incarceration penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person may not, with the intent to conceal or misrepresent the identity of a vehicle or its owner, remove a registration card or plate from a vehicle. A person may not, with the intent to conceal or misrepresent the identity of a vehicle or vehicle owner, attach to a vehicle a registration plate that is not authorized for that vehicle. A violation of either of these provisions is a misdemeanor. A violator is subject to a maximum fine of \$500, imprisonment not exceeding two months, or both.

Background: According to the MVA, there were 36 convictions in calendar 2002 for concealing or misrepresenting a vehicle by attaching an unauthorized registration plate to the vehicle.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision relating to second and subsequent offenders from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. 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 2004 are estimated to range from \$14 to \$59 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. 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 \$28 to \$84 per inmate in fiscal 2004.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

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