

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1131
Judiciary

(Delegate Petzold)

Vehicle Laws - Antitheft Laws - Key Duplication and Possession

This bill requires a person who makes for another person a key capable of operating the ignition of a motor vehicle to require that the person requesting the key present proof of ownership of the vehicle and identification. The proof of ownership must be the vehicle's certificate of title or certificate of registration. The identification must be the requestor's passport, driver's license, or identification card issued by the Motor Vehicle Administration (MVA). The bill also provides that an individual may not possess a key to the motor vehicle of another with the intent of using the key to commit motor vehicle theft. An individual may not request that a key capable of operating the ignition of another person's be made with the intent to commit motor vehicle theft.

A violator is subject to maximum penalties of a fine of \$1,000 and/or imprisonment for one year. These provisions do not apply to a motor vehicle manufacturer who makes a key for a newly manufactured vehicle or a person who makes a key by duplicating another key.

Fiscal Summary

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

Local Effect: Minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person may not knowingly and willfully take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent. A person who violates this provision is guilty of a felony and is subject to imprisonment not exceeding five years or a maximum fine of \$5,000, or both. In addition, the violator must restore the motor vehicle, or if unable, pay to the owner the full value of the motor vehicle.

No person may possess a motor vehicle master key adapted for or capable of being used to open or operate any motor vehicle in this State, except a person in lawful pursuit of a legitimate business interest or a law enforcement officer in pursuit of his duties. A violation of this provision is a misdemeanor, and a violator is subject to a maximum fine of \$500 or imprisonment not exceeding one year, or both.

A person convicted of theft of property or services with a value of \$500 or more is guilty of a felony and subject to maximum penalties of imprisonment for 15 years and/or a fine of \$25,000. A person convicted of theft of property or services with a value of less than \$500, is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 18 months and/or a fine of \$500. Regardless of value, the convicted person must restore the owner's property or pay the owner for the value of the property or services.

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

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

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 2005 are estimated to range from \$14 to \$58 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$350 per month.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration 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 \$29 to \$97 per inmate in fiscal 2005.

Additional Information

Prior Introductions: None.

Cross File: SB 719 (Senator Forehand) – Judicial Proceedings.

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

Fiscal Note History: First Reader - February 17, 2004
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