

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 242

(Senator Frosh)

Judicial Proceedings

Judiciary

**Criminal Procedure – Statute of Limitations – Prosecutions for Criminal
Violation of Insurance Law**

This bill extends the time period during which a prosecution of a misdemeanor offense under the Insurance Article may be instituted from one year to three years following the commission of the offense. It also provides that the same exceptions to the general one year statute of limitations for misdemeanor prosecutions apply to prosecutions for fines, penalties, or forfeitures.

Fiscal Summary

State Effect: Indeterminate increase in fine revenues from cases heard in the District Court, if the bill results in additional convictions.

Local Effect: Indeterminate increase in fine revenues from cases heard in the circuit courts, if the bill results in additional convictions.

Small Business Effect: None.

Analysis

Current Law: Except as otherwise provided by law, a prosecution for a misdemeanor must be instituted within one year of the offense. There are numerous exceptions to this one year limitation.

A prosecution for a fine, penalty, or forfeiture must, without exception, be instituted within one year after the offense was committed. Under this bill, the same exceptions

that apply to the statute of limitations for prosecution of a misdemeanor apply to prosecutions for fines, penalties, and forfeitures.

A person that willfully violates any provision of the Insurance Article with respect to which a greater penalty is not provided by other State law is guilty of a misdemeanor and, on conviction, may be fined not more than \$100,000. There are approximately 18 specific additional misdemeanor offenses outlined in the Insurance Article.

State Revenues: The bill extends the time for bringing an action for a misdemeanor committed under the Insurance Article from one year to three years. Each such misdemeanor has a maximum penalty of a \$100,000 fine. However, it cannot be predicted with certainty how many additional cases will be brought under the bill, or what fines will be imposed in those cases that result in convictions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Maryland Insurance Administration, Department of Legislative Services

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