

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1323 (Delegate Bates, *et al.*)
Environmental Matters

Vehicle Laws - Highways - Prohibition on Use for Solicitation

This bill prohibits, statewide, a person from standing in a roadway, median divider, or intersection of a State highway to solicit money or donations from an occupant of a vehicle. This ban currently applies only in Charles, Harford, and Washington counties. The bill also repeals provisions applicable only in Prince George's County that prohibit a child under 15 years old from standing in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle and prohibit an adult from encouraging or permitting a child under 15 years old to engage in such activity.

Fiscal Summary

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

Local Effect: Potential increase in revenues and expenditures due to the bill's penalty provisions. The impact will vary by jurisdiction and will likely be significant in certain areas.

Small Business Effect: Minimal or none.

Analysis

Current Law: Except for the occupant of a disabled vehicle who seeks the aid of another vehicle, a person is prohibited from standing in a roadway to solicit a ride, employment, or business from an occupant of a vehicle. Further, a person is prohibited

from standing on or near a highway to solicit any other person to guard any vehicle while it is parked or about to be parked.

In Charles, Harford, and Washington counties, a person may not stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle. An identical ban applies to a child under 15 years old in Prince George's County. However, the child may not be found guilty or adjudicated delinquent for violating this provision if encouraged or permitted by an adult. An adult in Prince George's County may not cause, encourage, permit, or petition a child under 15 years old to engage in such activity.

Violators are subject to a fine of up to \$500 if convicted of soliciting under these provisions. However, the prepaid penalty established by the District Court for payment of a fine without appearing in court for these violations is \$55.

Background: State laws governing solicitation on highways vary. Louisiana prohibits the "intentional act of soliciting, begging, panhandling, or otherwise requesting anything of value" on an interstate highway and imposes a fine of up to \$200 or imprisonment for up to six months or both for violations.

Certain states authorize roadway solicitation with the permission of the local jurisdiction or for certain nonprofit organizations who solicit funds for charitable causes. Idaho law, passed in 2001, authorizes local governments to issue permits for up to one year for organizations such as the Professional Firefighters "Fill the Boot" benefit for the Muscular Dystrophy Association. Oregon enacted a law in 1999 that bars solicitation on or near a highway but exempts fire service professionals if they prove they have adequate liability insurance and a plan for safe solicitation. A permit from the state transportation department is required.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court. The Department of State Police (DSP) advises that solicitation, particularly by nonprofit organizations, occurs mainly on county roads in populated areas such as Prince George's, Baltimore, and Howard counties. State enforcement is not expected to be significant; however, DSP anticipates local enforcement in those areas will be substantial.

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 moderately as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally 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: HB 203 of 2000 would have prohibited a minor from standing in a roadway or on a lane divider to solicit for any purpose and prohibited an adult from encouraging a minor to do so. HB 203 passed the House and was given an unfavorable report by the Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Caroline County, Baltimore City, Department of Legislative Services

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