

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

House Bill 1508 (Delegate Bronrott)
 Judiciary

Increased Court Costs for Transportation Violations – Transportation Trust Fund

This bill imposes an additional cost of \$200 on a defendant convicted of violating State laws against driving while under the influence of, or impaired by, alcohol or drugs, including cases in which the defendant waives the right to trial and pays the fine set by the District Court. It also imposes an additional cost of \$50 on a defendant convicted of any moving violation (excluding offenses subject to the fine described above), including cases in which the defendant waives the right to trial and pays the fine. Revenue from these fees must be allocated to the Transportation Trust Fund (TTF) and credited to the Gasoline and Motor Vehicle Revenue Account (GMVRA).

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: TTF revenues will increase by \$35.5 million in FY 2005. Significant increase in general fund expenditures in FY 2005 (as much as \$2.2 million) and annually thereafter for additional court personnel and judges.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
SF Revenue	\$35,527,800	\$35,563,300	\$35,919,000	\$36,278,200	\$36,640,900
GF Expenditure	-	-	-	-	-
Net Effect	\$35,527,800	\$35,563,300	\$35,919,000	\$36,278,200	\$36,640,900

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

Local Effect: Local government revenues will increase by \$10 million in FY 2005 from the local share of the proposed surcharges.

Small Business Effect: None.

Analysis

Current Law: The District Court imposes \$28 for court costs and fees on moving violation convictions and \$60 for court costs and fees on drunk or impaired driving convictions. The circuit court must impose a \$45 fee on a defendant convicted of a moving violation, in addition to any other costs required by law. Most of the revenue from these charges is paid to the Comptroller and distributed by formula to various special funds, including the State Victims of Crime Fund, Victim and Witness Protection and Relocation Fund, the Criminal Injuries Compensation Fund, and the Law Enforcement Training Fund.

State Revenues: Total TTF revenues will increase by \$35,527,800 based on fiscal 2003 conviction activity. It assumes a \$200 surcharge will be assessed on 9,386 drunk or drugged driving convictions in District and circuit court (\$1,877,200) and a \$50 surcharge will be imposed on 672,013 motor vehicle violations that do not involve alcohol (\$33,600,650). Of this amount, the State will retain 70% or \$24,869,460.

State Expenditures: General fund expenditures will increase significantly due to the increased caseload that is expected to be generated by the surcharge on motor vehicle violations. The Administrative Office of the Courts advises that in fiscal 2003, 569,673 motor vehicle citations were prepaid without a District Court trial. (Persons charged with alcohol-related violations cannot prepay – they must appear in court.) The Court anticipates that a significant number of people will contest their traffic ticket to attempt to avoid the surcharge, generating as many as 100,000 additional trials in District Court annually.

Under this scenario, the Judiciary Branch would need 45 additional personnel, including 10 judges, 10 courtroom clerks, 10 bailiffs, and 15 administrative clerks. Salaries and fringe benefits would total \$2,214,975 in fiscal 2005, accounting for a 90-day start-up delay. This estimate does not include any potential operating expenses. The office also advises that it would cost \$160,000 in fiscal 2005 to reprint the Maryland Uniform Complaint and Citation book, by July 1 for use by police officers.

The Department of Legislative Services concurs that the surcharge, if assessed at the time of the citation, could prompt a significant number of individuals to appear in court. It cannot be accurately estimated at this time how many people will opt for a court appearance or how many will receive a guilty verdict and still be subject to the surcharge. However, given that the surcharge is two-thirds of the \$75 prepay penalty for violations such as failing to stop for a red light or tailgating and almost twice the penalty for

violations such as driving with expired tags (\$55), the decrease in prepay activity could be substantial.

Local Revenues: Local governments will receive 30% of the court surcharge revenue that is deposited into GMRVA; accordingly, local revenues will increase by \$10,658,340 in fiscal 2005.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 22, 2004
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