

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 838
Judiciary

(Delegate McMillan, *et al.*)

Vehicle Laws - Fraud in Obtaining or Applying for a Driver's License - Penalty

This bill increases the maximum penalty for a conviction of fraudulently obtaining or attempting to obtain a driver's license or fraudulently applying for a driver's license from a \$500 fine and/or two months imprisonment to a \$1,000 fine and/or six months imprisonment.

Fiscal Summary

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

Local Effect: Minimal increase in expenditures due to the bill's penalty provision.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from knowingly or fraudulently obtaining a driver's license by misrepresentation. When applying for a driver's license, a person may not: (1) use a false or fictitious name; (2) knowingly make a false statement; (3) knowingly conceal a material fact; (4) use a false, fictitious, or fraudulently altered document; or (5) otherwise commit a fraud.

A person convicted of unlawful application for or use of a driver's license is guilty of a misdemeanor and is subject to a maximum penalty of a \$500 fine and/or two months imprisonment.

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: The Motor Vehicle Administration (MVA) advises that the bill will have no fiscal impact, as it does not require any changes to MVA procedures.

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 people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people sentenced to this increased penalty 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 2006 are estimated to range from \$17 to \$65 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 \$310 per month.

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 \$33 to \$119 per inmate in fiscal 2006.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

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mp/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510