

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 835  
Judiciary

(Delegate Menes)

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Identification Numbers - Crimes - Penalties

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This bill increases the maximum term of imprisonment from two months to one year for violating the prohibition against removed, falsified, or unauthorized vehicle or engine identification numbers, vehicle registration cards, or plates. The bill also prohibits a person from knowingly possessing a firearm with an altered, obliterated, removed, or changed manufacturer's identification mark or number. A violator of this prohibition is guilty of a misdemeanor and subject to imprisonment for up to three years and/or a fine of up to \$5,000.

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Fiscal Summary

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

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

**Small Business Effect:** None.

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Analysis

**Current Law:** A person is prohibited from willfully removing or falsifying the identification number of a vehicle or the identification number of an engine for a vehicle. A person may not buy, receive, possess, sell, or dispose of a vehicle knowing that the identification number of the vehicle or the engine for a vehicle has been removed or falsified. A person is prohibited from removing a registration card or plate from a vehicle

or attaching an unauthorized registration plate with the intent to conceal or misrepresent the identity of a vehicle or its owner.

An identification number may be placed on a vehicle or engine by the manufacturer in the regular course of business, or placed or restored on a vehicle or engine by authority of the Motor Vehicle Administration. An insurance company or its insurance producer may buy, receive, and possess a motor vehicle knowing that the vehicle identification number has been removed if the vehicle is the subject of a total loss settlement by the insurance company. The insurance company may also sell or dispose of a motor vehicle knowing that the insurance number has been removed if the vehicle is the subject of a total loss settlement by the insurance company and other conditions, as specified in statute, are met.

A person who is convicted of violating the prohibition against removed, falsified, or unauthorized identification numbers, registration cards, or plates is guilty of a misdemeanor and is subject to imprisonment for up to two months and/or a fine of up to \$500.

A person may not obliterate, remove, change, or alter the manufacturer's identification mark on a firearm. A person on trial for this offense is presumed to have obliterated, removed, changed, or altered the manufacturer's identification mark or number on the firearm.

A dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm. A violator of this prohibition is guilty of a misdemeanor and is subject to imprisonment for up to five years and/or a fine of up to \$10,000. Each violation of this prohibition is a separate crime.

**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.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people confined to longer prison terms for removal or falsification of vehicle or engine identification numbers and the number of people convicted of the proposed crime of knowingly possessing a firearm with an altered, obliterated, removed, or changed manufacturer's number is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,974

per month. The new firearm offense in 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 \$341 per month. Excluding medical care, the average variable costs total \$134 per month.

For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. 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 2007 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 DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,974 per month. The expansion of imprisonment penalties for the vehicle identification offenses in 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 \$341 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 minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities 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 2007.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2006  
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