

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 616
Judiciary

(Delegate Bartlett)

Judicial Proceedings

Vehicle Law - Recording Illegal Activity

This bill provides that a person may not commit or engage another person to commit a violation of the Maryland Vehicle Law punishable by a sentence of imprisonment, or a violation of the prohibition against reckless driving, for the purpose of filming, videotaping, photographing, or otherwise recording the violation unless the person obtains written permission for the commission of the violation from: (1) the Secretary of State Police; or (2) the chief executive officer of the governing body of the county in which the violation is to occur. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000.

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 local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a fine up to \$1,000.

A person may not conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of that individual. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 30 days and/or a fine of \$1,000.

A person may not with prurient intent conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of that individual. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$2,500. This prohibition does not apply to a licensed security guard or private detective who, acting within an occupational scope and without prurient intent: (1) conducts filming by or for the print or broadcast media; (2) conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; or (3) conducts visual surveillance.

With certain exceptions, a person may not place or procure another to place a camera on real property where a private residence is located to conduct deliberate surreptitious observation of an individual inside the private residence. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$2,500.

A photograph, microphotograph, videotape, or other recorded image of the license plate of a motor vehicle produced by an electronic toll collection video-monitoring system is admissible in a proceeding to collect a toll or other charge of the Maryland Transportation Authority, to impose civil liability or to collect civil penalties, or to impose criminal liability for a failure to pay a toll or charge.

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: 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 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 a DOC facility. Currently, the DOC average

total cost per inmate, including overhead, is estimated at \$1,974 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 \$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 penalty. 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.

Additional Information

Prior Introductions: HB 1233 of 2005, a similar bill, received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

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