

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1130
Judiciary

(Delegate Impallaria, *et al.*)

**Controlled Dangerous Substances - Manufacturing, Distributing, or Dispensing -
Revocation of License to Drive**

The Motor Vehicle Administration is required to revoke the driver's license of a person convicted of manufacturing, distributing, dispensing, or possessing in sufficient quantity to indicate intent to manufacture, distribute, or dispense • cocaine or any mixture containing a detectable amount of cocaine, including a drug commonly known as "crack;" • heroin; • methamphetamine; or • MDMA – ecstasy. On conviction, a court has to notify the offender that her/his license to drive will be revoked and notify MVA to revoke the license. A licensee may request a hearing on a revocation. Notwithstanding other provisions of law, MVA may not reinstate a driver's license revoked pursuant to the bill.

Fiscal Summary

State Effect: General fund expenditures could increase significantly in FY 2009 due to the one-time cost of reprogramming Judicial Information Systems (JIS) criminal law databases. Transportation Trust Fund expenditures could increase, mostly in future years, due to the cost of providing post-revocation hearings. TTF revenues could decrease slightly in future years due to fewer license renewal fees being paid by those with revoked licenses.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not manufacture, distribute, or dispense a controlled dangerous substance, or possess a quantity of a controlled dangerous substance sufficient to indicate intent to manufacture, distribute, or dispense a controlled dangerous substance. A first violation in connection with a Schedule I (heroin, MDMA) or Schedule II (cocaine, crack, methamphetamine) controlled dangerous substance carries a penalty of up to 20 years imprisonment, or up to a \$25,000 fine, or both. A subsequent offender under these prohibitions must be sentenced to imprisonment for two years, which term is nonsuspendable and nonparolable.

A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as defined by the Criminal Law Article, if the person is not otherwise entitled to use the substance. If a police officer stops or detains any driver with a reasonable belief as to the impairment of their ability to drive due to alcohol or drugs, the officer is required to request that the driver submit to an alcohol test and advise them of the administrative sanctions that will be imposed for test results indicating an alcohol concentration above permissible limits.

MVA may revoke the license of any person who is convicted of driving or attempting to drive • under the influence of alcohol; • impaired by a controlled dangerous substance; or • while impaired by alcohol or any drug within three years of two prior convictions for driving while impaired or under the influence of any drug, alcohol, or controlled dangerous substance.

MVA is required to revoke the license of any person who has been convicted of homicide by a motor vehicle while impaired by, or under the influence of alcohol, or impaired by any drug or controlled dangerous substance.

MVA may suspend, revoke, or refuse to issue or renew the license of any resident, or the privilege to drive of any nonresident, on a showing by its records or other sufficient evidence that the applicant or licensee:

- has been convicted of moving violations so often as to indicate an intent to disregard the traffic laws and the safety of other persons on the highways;
- is an unfit, unsafe, or habitually reckless or negligent driver of a motor vehicle;
- has permitted an unlawful or fraudulent use of a license, identification card, or a facsimile of a license or identification card;
- has used a license, identification card, or a facsimile of a license or identification card in an unlawful or fraudulent manner;

- has committed an offense in another state that, if committed in this State, would be grounds for suspension or revocation; or
- has knowingly made a false certification of required security in any application for a certificate of title or for the registration of a vehicle.

State Revenues: TTF revenues could decrease annually to the extent that fewer licensing renewals occur for those with driver's licenses permanently revoked under the bill.

State Expenditures: General fund expenditures could increase substantially in fiscal 2009 due to the cost of reprogramming or restructuring the JIS databases. This extensive reprogramming would be necessary because JIS does not currently track violations of subsections of the criminal law. In order to implement this bill's requirement to track violations pertaining to specific controlled dangerous substances, databases would need to be modified. The Administrative Office of the Courts was unable to provide a reliable estimate of this cost at this point. Legislative Services advises that, although the fiscal 2009 budget includes \$9,686,084 to support several major information technology projects, the modification required by this bill has not previously been contemplated.

TTF expenditures could increase significantly in future years due to the cost of providing for post-revocation hearings. MVA advises that it pays the Office of Administrative Hearings \$125 for each administrative hearing it conducts. For *illustrative purposes only*, TTF expenditures could increase by approximately \$100,000 annually beginning sometime between fiscal 2011 and 2013. This illustrative estimate is based on the following information and assumptions:

- approximately 50% of convictions for manufacturing, distributing, or dispensing of controlled dangerous substances involve one of the five substances enumerated in the bill;
- the number of violations in 2007 (2,266) would remain constant in 2008 and future years;
- approximately 75% of license revocations under the bill would result in a hearing; and
- hearings would not take place until after the sentences for the underlying convictions were served.

Legislative Services advises that the annual increase of approximately 1,133 additional revocation transactions could be handled with existing MVA staff and resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2008
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