

Department of Legislative Services  
 Maryland General Assembly  
 2008 Session

FISCAL AND POLICY NOTE

House Bill 161  
 Judiciary

(Delegate Kipke, *et al.*)

**Criminal and Juvenile Law - Malicious Destruction to Property by Act of Graffiti - Additional Penalty**

This bill enhances the penalty for those found guilty of the malicious destruction of property by graffiti. A court is authorized to order the Motor Vehicle Administration (MVA) to temporarily suspend the driver’s license of an individual convicted, or juvenile found delinquent, of malicious destruction to property by act of graffiti. Suspension may be for a maximum of six months for a first offense, and a maximum of one year or until the juvenile reaches the age of 21, whichever is longer, for any subsequent offense.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures could increase by \$745,800 in FY 2009 due to administrative and hearing costs associated with driver’s license suspensions; TTF revenues could increase \$73,100 due to the fee charged for issuing a reinstated license following suspension. Future years reflect annualization and the six-month suspension period prior to reinstatement. The Judiciary could handle the bill’s requirements with existing resources.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
SF Revenue	\$73,100	\$292,500	\$292,500	\$292,500	\$292,500
SF Expenditure	745,800	1,014,300	1,034,600	1,055,300	1,076,400
Net Effect	(\$672,700)	(\$721,800)	(\$742,100)	(\$762,800)	(\$783,900)

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

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Current Law:** A person convicted of causing malicious destruction by an act of graffiti may be subjected to imprisonment, fines, and restitution of damages. The severity of the penalty depends on the aggregate value of damage to the affected property. A person convicted of causing property damage of less than \$500 is guilty of a misdemeanor and on conviction is subject to imprisonment of up to 60 days, a fine of up to \$500, or both. Property damage greater than \$500 is also a misdemeanor, but it carries a greater penalty – imprisonment of up to three years, a fine of up to \$2,500, or both. In addition to these penalties, the court may order the convicted individual to pay restitution, perform community service, or both.

A court is authorized to order MVA to suspend the driving privilege of a minor licensed to operate a motor vehicle. This penalty may be imposed upon minors for:

- the manufacture or possession of a destructive device;
- making false statements or misrepresentations concerning a destructive device; or
- making false statements or misrepresentations concerning a toxic material.

**State Fiscal Effect:** TTF expenditures could increase by an estimated \$745,828 in fiscal 2009 for the administrative costs of correspondence as well as the cost borne by MVA for having its administrative hearings held before the Office of Administrative Hearings (OAH), currently \$125 per hearing. TTF revenues could increase by \$73,125 in fiscal 2009 due to the fee charged to reinstate a suspended driver's license.

This estimate is based on the assumption that courts would order a suspension for every malicious destruction of property by act of graffiti violation. Neither MVA nor the Judiciary has statistics on the actual number of orders made to suspend driver's licenses, but the Judiciary advises that there were 14,625 malicious destruction of property by act of graffiti violations in 2007. In addition, fiscal 2009 expenditures represent 75% of the annualized cost given an effective date of October 1, 2008. Revenues for fiscal 2009 represent 25% of the annualized fee revenues for reinstatement given an effective date of October 1 and at least a six-month period in which the licenses are suspended prior to eligibility for reinstatement.

Annual expenditures and revenues could average approximately \$1 million and \$292,500, respectively, beginning in fiscal 2010. This estimate is based on the following information and assumptions:

- continuation in the current rates of malicious destruction of property by act of graffiti violations;

- MVA would incur costs for correspondence with the estimated 14,625 juvenile and adult offenders who would all have their driver's licenses suspended;
- MVA would pay for the OAH hearings for approximately one-half of total offenders who, on average, request hearings for this offense;
- all suspended driver's licenses would be reinstated at a fee of \$20 each; and
- future year expenditures reflecting 2% annual increases in ongoing operating expenses.

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### **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 - January 28, 2008  
mll/ljm

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