

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 847
Judiciary

(Delegate Schuler)

Judicial Proceedings

Vehicle Laws - Falsifying Documents and Registration Plates - Arrest

This bill adds several offenses to those for which a police officer may arrest a person without a warrant. Thus, if the police officer has probable cause to believe that the person has, with fraudulent intent, committed various specified offenses related to altering or forging motor vehicle documents and plates, the officer may arrest the person. The warrantless arrest provisions do not apply to the current law prohibitions against holding or using falsified documents or plates.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues to the extent additional convictions occur under the bill's provisions. Enforcement of the bill's provisions could be handled with existing resources.

Local Effect: Enforcement of the bill's provisions could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person may not, with fraudulent intent:

- falsify or attempt to falsify any certificate of title, registration card or plate, vehicle validation tab, permit, or any other official document issued by MVA;

- manufacture, construct, or possess any paraphernalia for use in any prohibited falsification;
- possess, give away, sell, or attempt to sell any specified falsified item; or
- falsify any assignment on a certificate of title.

A person is prohibited from holding or using any document or registration plate knowing it has been falsified. A violator of these provisions is guilty of a misdemeanor and is subject to a maximum penalty of two months imprisonment and/or a \$500 fine.

A police officer may arrest a person without a warrant for a violation of the Maryland Vehicle Law or any traffic law or ordinance of any local authority if:

- the person has committed or is committing specified violations in the view or presence of the officer relating to transporting hazardous materials or vehicle weight;
- the person has committed or is committing the violation in the view or presence of the officer and the person does not furnish identification or the officer has reasonable grounds to believe the person will disregard a traffic citation;
- the officer has probable cause to believe that the person committed any one of eight specified offenses relating to impaired driving, leaving the scene of an accident, driving without or on a suspended or revoked license, fleeing and eluding an officer, or causing or contributing to an accident;
- the person is a nonresident and the officer has probable cause to believe that the person committed the violation which contributed to an accident; or
- the officer has probable cause to believe that the person committed the violation, the person is issued a traffic receipt, and the person refuses to acknowledge its receipt by signature.

A person arrested without a warrant must be arrested in the same manner as other misdemeanor cases and taken without unnecessary delay before a District Court commissioner, unless the officer releases the person upon the person's written promise to appear for trial.

Background: Vehicle fraud is a crime that is being addressed, not only by State and local law enforcement, but nationally through the U.S. Department of Homeland Security. In California, DHS has worked with California authorities on an initiative called "Operation Block Island." A purpose of the initiative is to target undocumented immigrants by focusing on California laws relating to the security of motor vehicle

documents. DHS agents working in partnership with California law enforcement have reported the dismantling of criminal gangs responsible for the alteration, counterfeiting, or passing of fraudulent certificates of vehicle ownership and falsification of license plate, registration tab, and vehicle transfer documents.

Vehicle fraud has long been a focus of law enforcement in reducing vehicle theft. The vast majority of vehicle thefts are for profit, a significant portion of which involve the retagging of vehicles and their export overseas. Automobile thieves create counterfeit and altered vehicle titles, fraudulent manufacturer's certificates of origin, and altered vehicle identification numbers to facilitate the theft of new or used cars.

State Effect: General fund revenues could increase minimally as a result of the bill's increased monetary penalty provision from cases heard in the District Court to the extent additional convictions occur as a result of the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; U.S. Department of Homeland Security; New York State Statewide Plan of Operation – Motor Vehicle Theft, 2007; Department of Legislative Services

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