

Department of Legislative Services
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FISCAL AND POLICY NOTE
Revised

House Bill 126

(Delegate Ramirez, *et al.*)

Judiciary

Judicial Proceedings

Outstanding Arrest Warrants - Drivers' Licenses and Vehicle Registrations

This bill increases the minimum number of days (from 31 to 61) before an arrest warrant may be considered outstanding for the purpose of notifying the Motor Vehicle Administration (MVA) to suspend a person's driver's license or to refuse to register or transfer the registration of a person's vehicle.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues decrease in FY 2011 due to the effective 30-day delay in transmission from police departments to MVA of notices, which result in license renewal and administrative flag removal fees. TTF revenues also decrease on an annual basis as fewer arrest warrants are deemed outstanding under the bill's 61-day period, resulting in collection of fewer renewal and flag removal fees. Expenditures are not likely affected, although MVA operations may experience a decrease in processing activities required under the bill.

Local Effect: Local government expenditures may increase to the extent it is necessary to make any reprogramming changes to reflect the new definition of an outstanding arrest warrant under the Maryland Vehicle Law. Local government law enforcement operations may experience an additional burden to the extent it is more difficult to reach persons named in arrest warrants. Revenues are unaffected.

Small Business Effect: None.

Analysis

Current Law: On notification from a law enforcement agency of an outstanding arrest warrant, MVA must refuse to register or transfer the registration of a vehicle of the named person and must suspend their driver's license. An outstanding warrant is one that a law enforcement agency has failed to serve on the named person and that is at least 31 days old.

According to MVA regulations, on notification from a law enforcement agency regarding a person's outstanding arrest warrant, before refusing to register the person's vehicle and suspending their license, MVA must first notify the person by mail at the last known address (or serve notice on the individual), advise them to contact the relevant law enforcement agency, and advise them of their right to an administrative hearing limited to the issue of mistaken identity. In developing these regulations, MVA must consult with the primary law enforcement officers of the State.

Background: Currently, only a fraction of outstanding arrest warrants form the basis of a notice to MVA. For example, in Baltimore City, there are about 42,000 outstanding arrest warrants, but only 6,000 had been sent to MVA. Statewide, although no data is available, the Maryland Sheriffs' Association believes there may be more than 100,000 outstanding arrest warrants, while according to MVA, only 13,029 notices were sent from law enforcement agencies in fiscal 2009. Legislative Services advises that not all of the outstanding arrest warrants were necessarily issued in fiscal 2009, as many warrants may be much older. Nevertheless, it is clear that only a fraction of all outstanding arrest warrants statewide are sent from law enforcement agencies to MVA, and not all law enforcement agencies participate in this program.

State Fiscal Effect: TTF revenues are likely to decrease in fiscal 2011 due to the effective 30-day delay caused by the bill's change in the definition of an outstanding arrest warrant. When a law enforcement officer has failed to serve an arrest warrant and the warrant is 31 days old, he or she may send notice to MVA to refuse to register or transfer the registration of the person named in the warrant and to suspend the person's drivers' license and flag their vehicle registration. This serves not only as a means of limiting the mobility of a person subject to an arrest warrant and making their presence more visible to State authorities, but it also helps to alert the named person who may not have previously known about the warrant. Once the person is notified by MVA or law enforcement of the suspension of the license and registration, that person must then pay a fee to MVA to renew the drivers' license and to remove the administrative flag attached to the person's vehicle registration.

In fiscal 2011 only, as the bill's definition of an outstanding arrest warrant changes from an arrest warrant that is 31 days old to one that is 61 days old, there will be a one-time

30-day delay in the ability for arrest warrants to qualify as outstanding. In addition, beginning in fiscal 2011, annual TTF revenues may decrease due to a reduction in the number of arrest warrant notifications sent to MVA. Legislative Services advises that there is no data available on the number of arrest warrants that are served between 31 and 61 days after issuance. Without this data, Legislative Services is unable to develop an estimate of how many fewer notifications may be made to MVA and, thus, how many fewer license renewal and flag removal fees may be collected under the bill.

For illustrative purposes only, assuming law enforcement participation in the program remains constant, if 15% fewer arrest warrants qualify as outstanding under the bill's definitional change, then TTF revenues decline by about \$78,000 annually. In fiscal 2011 only, due to the one-time 30-day delay, TTF revenues decline by an additional \$36,300, for a total of about \$94,800, taking into account the bill's effective date. This estimate is based on the following information about the MVA program in fiscal 2009:

- 8,247 administrative flag removal fees collected at \$30 each;
- 9,083 drivers' license renewal fees collected at \$30 each; and
- 15% fewer arrest warrants qualify as outstanding (an assumption only).

General fund revenues may decrease minimally to the extent that the District Court collects fewer penalties associated with driving with a suspended license or registration.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Maryland Sheriffs' Association, Department of Legislative Services

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