

Department of Legislative Services
2012 Session

FISCAL AND POLICY NOTE

House Bill 1022
Judiciary

(Delegate K. Kelly, *et al.*)

Vehicle Laws - Accidents Resulting in Death - Appearance in Court for Traffic Citations

This bill requires a person who receives a traffic citation with a notice to appear in person for a violation contributing to an accident that resulted in another person's death to comply with the notice to appear by personally appearing in court.

Fiscal Summary

State Effect: The changes required by the bill can be handled within existing resources.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person must comply with a notice to appear contained in a traffic citation or other writ issued by the District Court or a circuit court. The time to appear must be at least five days after the alleged violation, unless the person charged demands an earlier hearing. A person may comply with a traffic citation by appearance in person, by counsel, or by payment of the fine specified for the particular offense, if provided in the citation for that offense.

If the person returns a copy of the citation within the time allowed for payment of the fine, indicating that the facts are not in dispute, a person may request a hearing in lieu of trial regarding sentencing and disposition. A person who requests this hearing waives a right to a trial of the facts and the right to compel the presence of the police officer who issued the citation. Such a hearing may only be requested if the alleged offense is not punishable by incarceration.

If a person fails to take one of the actions required by the traffic citation within the timeframes specified, a court may issue a warrant for the person's arrest or notify the Motor Vehicle Administration (MVA) of noncompliance. Upon notification of the failure to comply, MVA is authorized to suspend the person's driver's license, and MVA must notify the person that he or she is subject to suspension of the driver's license, an incarcerable offense. For a payable citation, the person must either (1) pay the full amount of the preset fine; (2) request a hearing for sentencing and disposition in lieu of trial; or (3) request a trial date at the date, time, and place established by the District Court by writ or trial notice. If the citation is for an offense that requires the person to appear in court to answer the charge, then the citation is a notice that it is a summons to appear in court.

State Expenditures: While the bill may require changes to the automated case management and electronic citation (e-citation) systems in the District Court and additional clerical and judicial time, the Department of Legislative Services (DLS) advises that the bill's changes can be handled within the existing resources of the District Court.

The District Court advises that its automated case management system designates cases as "payable" or "must appear" depending on the statutory citation and not whether the violation was a contributing factor to a death from the accident. As a result, an additional \$271,328 is requested for alterations to the automated case management and e-citation systems. DLS advises, however, that in the event of a fatal accident, some of the issued citations may be for violations that already have "must appear" status. For example, driving while under the influence of alcohol or while impaired by alcohol, drugs, or a controlled dangerous substance are must appear offenses, as well as failing to stop or return to the scene of an accident involving bodily injury. In addition, the District Court already has a system in place for coding offenses differently if the offense contributes to an accident that results in serious bodily injury or death. Violations of right-of-way including failure-to-yield and failure-to-stop offenses are coded in this manner, although, for these offenses, there is no statutory citation for contributing to an accident that results in serious bodily injuries or fatalities.

According to the Maryland Highway Safety Office, 496 persons were killed in 463 fatal traffic accidents in Maryland during 2010. In fiscal 2011, the District Court processed 246,639 must appear citations for motor vehicle cases. By way of illustration, even if as many as 10 citations were issued in each of the 463 fatal traffic accidents that occurred in Maryland in 2010, the increase would represent, at most, 1.9% of the current workload of the District Court – an increase that is manageable within existing resources.

Additional Information

Prior Introductions: SB 257 of 2011 passed the Senate as amended and was referred to the House Rules and Executive Nominations Committee where it received no further action. SB 343 of 2010 passed the Senate but received an unfavorable report from the House Judiciary Committee. SB 598 of 2009 received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 153, received an unfavorable report from the House Judiciary Committee. Similar bills were introduced in the 2004 through 2006 legislative sessions.

Cross File: SB 283 (Senator Stone, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore City, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, National Highway Traffic Safety Administration, Department of Legislative Services

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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510