

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1130

(Delegate Carter, *et al.*)

Judiciary

Judicial Proceedings

Vehicle Laws - Driving Without a License or While License is Suspended -
Penalties

This bill eliminates the potential incarceration penalty for a first offense for driving with a suspended license (for specified reasons) as well as for driving without a license. It also reduces the maximum incarceration period (from 1 year to 60 days) for a second or subsequent offense for driving without a license, and it establishes a maximum incarceration period of 60 days for a second or subsequent offense for driving with a suspended license (for specified reasons).

Fiscal Summary

State Effect: General fund expenditures decrease due to the bill's elimination and reduction of existing incarceration penalties. The bill may also result in a significant reduction in District Court workloads as fewer violations require court appearances. Revenues are not affected.

Local Effect: Decrease in expenditures due to the bill's elimination and reduction of existing incarceration penalties. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Currently, driving with a license that is suspended as a result of one of the following violations is a misdemeanor that carries a maximum penalty of \$500, or two months imprisonment, or both: (1) driving with a lapse in required security (generally, auto insurance) for a vehicle; (2) failing to comply with a State traffic citation (including a notice to appear in court); (3) failing to comply with a notice to appear in court

under a federal traffic citation or a citation issued by another state; or (4) failing to pay a fine under the Maryland Vehicle Law, a federal traffic law, or the traffic laws of another state. The bill eliminates the incarceration penalty for each of these violations for a first offense, but it establishes a maximum incarceration period of 60 days for a subsequent offense. In addition, for all offenses, it maintains the \$500 maximum fine.

Additionally, a violation for driving without a license is a misdemeanor that carries a maximum penalty of \$500 and/or 60 days imprisonment for a first offense, and \$500 and/or one year imprisonment for a second or subsequent offense. The bill eliminates the incarceration penalty for a first offense and subjects the violator to imprisonment for up to 60 days for a second or subsequent offense. Again, it maintains the \$500 maximum fine for all offenses.

A violation of most provisions of the Maryland Vehicle Law is a misdemeanor with a maximum penalty of \$500 and no incarceration penalty.

State Expenditures: General fund expenditures decrease, potentially significantly beginning in fiscal 2016, as a result of the bill's elimination and reduction of existing incarceration penalties, resulting in fewer people being committed to State correctional facilities for convictions in Baltimore City.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

A reliable estimate of the decrease in incarceration costs cannot be made without additional information on the number or percentage of violations affected by the bill that currently result in incarceration, as well as the average term of incarceration. However, the number of days that individuals are incarcerated in the Baltimore City Detention Center likely decreases under the bill. Thus, general fund expenditures associated with incarceration also likely decrease.

Any reduction in District Court workloads is not assumed to result in a reduction in personnel or expenditures but may result in operational efficiencies.

Local Expenditures: Local expenditures decrease as a result of the bill's elimination and reduction of existing incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

A reliable estimate of the decrease in local incarceration costs cannot be made without additional information on the number or percentage of violations affected by the bill that currently result in incarceration, as well as the average term of incarceration. The Judiciary was unable to provide such data but indicated that, generally, only frequent repeat offenders are incarcerated for such infractions. Thus, any decrease in local incarceration costs is not anticipated to be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard and Montgomery counties, Baltimore City, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2015
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