

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 41

(Senator Brochin)

Judicial Proceedings

Vehicle Laws - Driving While License is Suspended - Prison Sentence Repeal

This bill repeals the incarceration penalty for driving with a license that has been suspended due to the lapse or termination of vehicle security (vehicle insurance), failure to appear to answer for specified traffic citations or court notices, and failure to pay traffic-related fines.

Fiscal Summary

State Effect: General fund expenditures decrease, potentially significantly, due to the bill's elimination of existing incarceration penalties. Revenues increase minimally as a result of additional people who prepay fines to the District Court. Elimination of the incarceration penalties may result in operational efficiencies and a reduction in the overall workload of the District Court.

Local Effect: Expenditures decrease, potentially significantly, due to the bill's elimination 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 maximum penalties of a \$500 fine and/or two months imprisonment: (1) driving with a lapse in required security (generally, auto insurance) for a motor 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. In addition to the maximum fine of \$500 for these violations, the Motor Vehicle Administration is required to attach three points to the driver's license upon conviction. The assessment of points is not altered under the bill. A violation of most provisions of the Maryland Vehicle Law is a misdemeanor with a maximum penalty of \$500 and no incarceration penalty.

State Revenues: District Court revenues increase, at least minimally, due to the bill's reduction in the number of violations that currently require court appearances. Thus, persons charged with a violation under the bill may opt to prepay the monetary penalty associated with the violation in lieu of making a court appearance, and the District Court may likewise realize an increase in revenues. Even so, any such positive effect on revenues is expected to be offset, in part, by those people who continue to request a court appearance to be found not guilty or to request a reduced fine or license point reduction or elimination. The exact impact cannot be reliably quantified because essential data regarding how many persons charged with violations under the bill would continue to request a court hearing for the purpose of fine reduction or license point reduction or elimination, compared to the number of people that would prepay, is unavailable.

State and Local Expenditures: General fund expenditures decrease, potentially significantly, beginning in fiscal 2017, as a result of the bill's elimination 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 Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions. Those serving 30 days or less are held in the Baltimore Central Booking and Intake Center; if held longer, they are transferred to the Baltimore Pretrial Complex.

Local expenditures decrease significantly as a result of the bill's elimination 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.

For fiscal 2015, the District Court reports there were 30,874 violations for driving with a license suspended for lapse in required security, failure to comply with a State traffic citation, failure to appear in court under a federal traffic citation, or failure to pay a fine under the Maryland Vehicle Law or federal traffic law. According to the District Court, nearly 1,200 of the individuals with these citations were incarcerated for an average of six days, as most received partially suspended sentences. Similarly, there were 537 violations in fiscal 2015 for driving with a license suspended for failure to comply with

a notice to appear in court under a citation issued by another state or failure to pay a fine under the traffic laws of another state. Twelve individuals out of this total were incarcerated for an average of three days (when suspended sentences are taken into account).

There is no data available specifying the number of persons incarcerated in Baltimore City as distinguished from those incarcerated in local jails. However, *by way of illustration*, assuming that approximately 30% of each population would have been incarcerated in Baltimore City and the remaining 70% would have been subject to incarceration in local facilities, then both State general fund and local expenditures decrease, potentially significantly.

- If 360 individuals and 4 individuals who otherwise would be incarcerated for six days and three days, respectively, in Baltimore City (all at a per diem of \$180) were instead given the opportunity to either prepay a penalty or go to the District Court to pay a fine, State general fund expenditures could be reduced by \$293,220 in fiscal 2017 and \$390,960 in subsequent years.
- If 840 individuals and 8 individuals who otherwise would be incarcerated for six days and three days, respectively, in local detention facilities (all at a per diem of \$60 to \$160) were instead given the opportunity to either prepay a fine or go to District Court to pay a fine, local government expenditures could decline by a range of \$227,880 to \$607,680 in fiscal 2017 and a range of \$303,840 to \$810,240 in subsequent years.

The actual impact depends on the number of violations, sentencing practices, and the jurisdictions involved.

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

Additional Information

Prior Introductions: HB 1130 of 2015, a similar bill, passed the House as amended and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Baltimore City; Kent, Montgomery, Washington, and Worcester counties; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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