

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 347
Judiciary

(Delegate Carter, *et al.*)

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

This bill eliminates the potential incarceration penalty for a first offense of driving with a suspended license (for specified reasons) as well as for driving without a license. It also reduces the maximum incarceration period (from one 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 District Court may realize operational efficiencies. General fund revenues are not materially affected.

Local Effect: Expenditures decrease 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 and/or two months imprisonment: (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 and Local Expenditures: General fund expenditures decrease beginning in fiscal 2017 as a result of the bill's elimination and reduction of existing incarceration penalties. The bill may result in fewer people being committed to State correctional facilities for a shorter time 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 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.

Exhibit 1 shows incarceration data from the District Court for the offenses affected by the bill. The average number of days incarcerated takes into account suspended sentences; however, the data does not take into account whether it is a first or subsequent offense. Moreover, there is no data available specifying the number of persons incarcerated in Baltimore City as distinguished from those incarcerated in local jails. Any impact depends on the number of violations, whether the offense is a first offense or a subsequent offense, sentencing practices, and the jurisdictions involved. As less than 5% of citations result in incarceration, this analysis assumes that most individuals incarcerated are likely repeat offenders; thus, the bill likely has a minimal impact on sentencing practices and related incarceration expenditures.

Exhibit 1
Fiscal 2015 Incarceration Rates for
Driving without a License and Driving with a Suspended License

<u>Violation</u>	<u>No. of Citations</u>	<u>No. of People Incarcerated</u>	<u>Average Days Incarcerated</u>
Driving without a license	56,394	3,035	41
Driving with license suspended for violations of specified State law	30,874	1,200	6
Driving with license suspended for violations of specified laws of another state	537	12	3

Source: District Court of Maryland

Any reduction in District Court workloads (due to fewer violations requiring court appearances) 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 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): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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