

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 462

(Senator Carter)

Judicial Proceedings

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

This bill alters the maximum penalty for a first offense of driving without a license by repealing the fine, but retaining the incarceration penalty of 60 days. It reduces the maximum incarceration period (from one year to 60 days) for a second or subsequent occurrence of the same offense, while retaining the fine. In addition, the bill restores the maximum incarceration penalty of 60 days for an individual convicted of a second or subsequent offense of driving with a suspended license (for specified reasons).

Fiscal Summary

State Effect: General fund revenues decrease, potentially significantly, beginning in FY 2020 as the fine for a first offense of driving without a license is eliminated. General fund expenditures increase minimally as additional persons are imprisoned due to the required incarceration penalty under the bill.

Local Effect: Local expenditures increase, likely minimally, beginning in FY 2020 due to additional people being imprisoned in local detention facilities under the bill. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: 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. This offense

requires a court appearance and may not be prepaid. The bill alters the maximum penalty by requiring, for a first offense, only imprisonment for up to 60 days. For a second or subsequent offense, the bill retains a maximum \$500 fine but reduces the possible imprisonment term to a maximum of 60 days.

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, requires a court appearance, and may not be prepaid: (1) being 60 days or more out of compliance with making child support payments; (2) failure to attend a required driver improvement program; (3) driving with a lapse in required security for a vehicle; (4) failing to comply with a State traffic citation (including a notice to appear in court); (5) failing to comply with a notice to appear in court under a federal traffic citation or a citation issued by another state; or (6) failing to pay a fine under the Maryland Vehicle Law, a federal traffic law, or the traffic laws of another state. The bill retains a \$500 maximum fine for each of these violations but reinstates the maximum incarceration penalty (of up to 60 days) for a second or subsequent offense. Thus, for a second or subsequent offense under the bill, a violator is subject to maximum penalties of 60 days imprisonment and/or a \$500 fine.

Background: Exhibit 1 shows the number of violations and guilty dispositions for each of the offenses affected by the bill in fiscal 2018. The Administrative Office of the Courts advises that 1,572 people were incarcerated for driving without a license in fiscal 2018, with an average sentence of approximately 26 days; these numbers reflect the totals for both first and subsequent offenses.

Exhibit 1
Fiscal 2018 Violations and Guilty Dispositions for
Driving without a License and Driving with a Suspended License

<u>Violation</u>	<u>No. of Violations</u>	<u>Guilty Dispositions</u>
Driving without a license	56,006	3,586
Driving with license suspended for violations of specified State law	31,870	1,277
Driving with license suspended for violations of specified laws of another state	617	13

Source: District Court

State Revenues: The bill repeals the fine for a first offense of driving without a license. Thus, under the bill, general fund revenues decrease, likely significantly, as *all* individuals convicted of a first offense of driving without a license are no longer subject to a possible fine. The exact decrease in general fund revenues cannot be reliably estimated at this time, however, because the range of monetary penalties imposed is not known.

A total of 3,586 people were convicted of driving without a license in fiscal 2018 under § 16-101 of the Transportation Article. However, the District Court's data does not distinguish between initial and subsequent offenses. In addition, the proportion of those individuals who were sentenced to jail time (rather than required to pay a fine) is not known. However, *for illustrative purposes only*, assuming most of the convictions in fiscal 2018 were for initial offenses and that violators were required to pay an average fine of \$250 (*i.e.*, one-half of the maximum fine), general fund revenues decrease by as much as \$638,756 in fiscal 2020 (reflecting the bill's October 1, 2019 effective date) and by as much as \$851,675 annually thereafter.

State and Local Expenditures: General fund expenditures increase – likely minimally – as a result of the bill's incarceration penalties due to more people being committed to State correctional facilities for convictions in Baltimore City and more people being committed to local correctional facilities in jurisdictions other than Baltimore City. *For illustrative purposes only*, if most of those convicted for driving without a license in fiscal 2018 were convicted for first offenses, as noted above, then under the bill, those persons would be required to go to jail, which causes State and local incarceration expenditures to increase. Despite the potential impact (if everyone were sentenced to the maximum of 60 days for a first offense), sentencing practices are likely to result in a minimal impact on State and local incarceration expenditures, particularly given the current average sentence of 26 days combined for first and subsequent offenders. Moreover, the restoration of the incarceration penalty (in addition to or instead of a fine) for a second or subsequent offense of driving while the license is suspended, canceled, or revoked, as specified, is not likely to materially affect State and local incarceration expenditures.

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.

Counties pay the full cost of incarceration for people in their facilities for the first 12 0months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$40 to \$170 per inmate in recent years.

Additional Information

Prior Introductions: None.

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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sb/kdm

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