

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 237

(Senator Carter, *et al.*)

Judicial Proceedings

Environment and Transportation

Vehicle Laws - Canceled, Revoked, and Suspended Driver's Licenses - Penalties

This bill repeals the term of imprisonment and reduces the points assessed for a person convicted of possessing any canceled, revoked, or suspended license.

Fiscal Summary

State Effect: General fund expenditures may decrease minimally beginning in FY 2020 due to fewer people being imprisoned under the bill. General fund revenues are not materially affected. Transportation Trust Fund (TTF) revenues may decrease minimally beginning in FY 2020 due to fewer license reinstatements.

Local Effect: Local government expenditures may decrease minimally beginning in FY 2020 due to fewer people being imprisoned in local detention facilities under the bill. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, a person convicted of possessing any canceled, revoked, or suspended license is subject to imprisonment for up to two months, a fine of up to \$500, or both. The bill repeals the term of imprisonment for a convicted person but leaves the amount of the maximum fine unchanged.

Under current law, the Motor Vehicle Administration (MVA) must assess 12 points against a person convicted for possessing a canceled, revoked, or suspended license. Under the bill, MVA must instead assess 3 points against the person's license.

Under current law, the District Court requires an individual to appear in court for any of the offenses addressed by the bill. The District Court advises that, under the bill, an individual would no longer be required to appear in court and would be allowed to prepay the fine. However, a defendant would still have the option of requesting a trial or waiver hearing instead of paying the fine.

Exhibit 1 shows how the bill affects points assessed, the maximum fine, and the term of imprisonment for the relevant violations.

Exhibit 1
Penalties, Fines, and Imprisonment under
Current Law and the Bill

If Convicted of Possessing:	Points Assessed		Maximum Fine		Maximum Term of Imprisonment	
	Current Law	The Bill	Current Law	The Bill	Current Law	The Bill
Canceled License						
Revoked License	12	3	\$500	\$500	2 months	n/a
Suspended License						

Source: Department of Legislative Services

Background: According to the District Court, in fiscal 2018, there were 26 violations of possession of a canceled license and no guilty dispositions; 324 violations of possession of a revoked license and 2 guilty dispositions; and 11,290 violations of possession of a suspended license and 19 guilty dispositions. The number of people imprisoned for these offenses is not known; however, it is assumed to be negligible.

State Fiscal Effect: General fund expenditures may decrease minimally beginning in fiscal 2020 due to people no longer being committed to State correctional facilities for convictions in Baltimore City. The number of people currently imprisoned for possessing a canceled, revoked, or suspended license is assumed to be negligible.

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.

The bill is not anticipated to result in any general fund savings for the District Court but likely results in operational efficiencies due to fewer must-appear offenses.

Because the bill leaves the fine unchanged for the violations addressed by the bill, general fund revenues are generally assumed to be unaffected by the bill. However, to the extent that the District Court sets the prepayable fine at an amount that differs from the average amount currently paid by individuals convicted in court, general fund revenues may be affected. The difference is not expected to be significant, however.

Any impact on reinstatement fee revenues for MVA due to changes in the points assessed is assumed to be minimal.

Local Expenditures: Expenditures may decrease minimally as a result of the bill's removal of the incarceration penalty for possessing a canceled, revoked, or suspended license. As noted above, the number of people currently imprisoned for possessing a canceled, revoked, or suspended license is assumed to be negligible. 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 \$40 to \$170 per inmate in recent years.

Additional Information

Prior Introductions: HB 1334 of 2018 passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: HB 76 (Delegate Moon, *et al.*) - Environment and Transportation.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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