

**Department of Legislative Services**  
 Maryland General Assembly  
 2021 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 495 (Senator Cassilly)  
 Judicial Proceedings

**Reckless and Negligent Driving - Death of Another - Must-Appear Violation**

This bill specifies that a person charged with a reckless or negligent driving offense that contributes to an accident resulting in the death of another must appear in court and may not prepay the fine.

**Fiscal Summary**

**State Effect:** General fund expenditures for the Judiciary increase by \$194,100 in FY 2022 only. Enforcement can otherwise be handled with existing resources. Revenues are not materially affected.

| (in dollars)   | FY 2022     | FY 2023 | FY 2024 | FY 2025 | FY 2026 |
|----------------|-------------|---------|---------|---------|---------|
| Revenues       | \$0         | \$0     | \$0     | \$0     | \$0     |
| GF Expenditure | 194,100     | 0       | 0       | 0       | 0       |
| Net Effect     | (\$194,100) | \$0     | \$0     | \$0     | \$0     |

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Enforcement can be handled with existing resources. Local revenues are not affected.

**Small Business Effect:** None.

**Analysis**

**Current Law:** A person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a maximum fine of \$1,000. The Motor Vehicle Administration

(MVA) is also required to assess six points against the driver's license upon conviction for this offense. The District Court prepayment penalty, including court costs, is \$510 for this offense.

A person is guilty of negligent driving if the motor vehicle is driven in a careless or imprudent manner that endangers any property or the life or safety of any individual. This violation is a misdemeanor, subject to a maximum fine of \$500. Upon conviction, MVA must assess one point against the driver's license, or three points if the offense contributes to an accident. The District Court assesses a prepayment penalty of \$240 for this offense or \$280 if the offense contributes to an accident.

**State Expenditures:** General fund expenditures for the Judiciary increase by \$194,100 in fiscal 2022 for one-time programming changes to the Judicial Information System to reflect the bill's changes.

The District Court can otherwise handle additional must-appear offenses with existing resources. For context, the District Court advises that, in fiscal 2019, 5 citations were issued for reckless driving violations involving accidents resulting in death and 23 citations were issued for negligent driving violations involving accidents resulting in death. Citations issued for such violations totaled 11 and 27, respectively, in fiscal 2020.

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### **Additional Information**

**Prior Introductions:** HB 1186 of 2020 received a hearing in the House Judiciary Committee, but no further action was taken. HB 1414 of 2016, a similar bill, received a hearing in the House Judiciary Committee, but no further action was taken.

**Designated Cross File:** HB 668 (Delegate Szeliga) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2021  
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