

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 360 (Delegate Szeliga, *et al.*)
 Judiciary

Reckless and Negligent Driving – Death of Another – Must–Appear Violation
 (Sherry’s and Christian’s Law)

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 \$85,400 in FY 2024 only. Enforcement can otherwise be handled with existing resources. Revenues are not materially affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	85,400	0	0	0	0
Net Effect	(\$85,400)	\$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: An individual is guilty of reckless driving if the individual drives a motor vehicle 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.

An individual is guilty of negligent driving if the individual drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or safety of any person. 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 \$85,421 in fiscal 2024 for one-time programming costs to update the Judicial Information System, which is now used only in Baltimore City, 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 2022, 8 citations were issued for reckless driving violations involving accidents resulting in death, and 28 citations were issued for negligent driving violations involving accidents resulting in death. In fiscal 2021, citations issued for such violations totaled 7 and 29, respectively.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 25 and HB 7 of 2022; SB 495 and HB 668 of 2021; and HB 1186 of 2020.

Designated Cross File: SB 252 (Senator Carozza, *et al.*) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 6, 2023
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