

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 252

(Senator Carozza, *et al.*)

Judicial Proceedings

Judiciary

Reckless and Negligent Driving - Penalties (Sherry's and Christian's Law)

This bill alters the penalty for a reckless driving offense from a fine of up to \$1,000 to *imprisonment for up to five days and/or* a fine of up to \$1,000. Additionally, the bill specifies that a person charged with a 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. Potential minimal increase in general fund expenditures due to the bill's incarceration penalty. 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: Potential minimal increase in local expenditures due to the bill's incarceration penalty. 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:

Judiciary

General fund expenditures for the Judiciary increase by \$85,421 in fiscal 2024 for one-time programming costs to reflect the bill's changes.

The Judiciary can handle the establishment of must-appear offenses for reckless driving and negligent driving (contributing to an accident resulting in the death of another) with existing budgeted resources. Although the bill does not designate reckless driving as a must-appear offense, any charge that carries a possible sentence of incarceration is a must-appear violation. Therefore, under the bill, a person charged with reckless driving must appear in court and may not prepay the fine.

For context, the Judiciary advises that, in fiscal 2022, 12,641 citations were issued for reckless driving, 766 persons were found guilty of reckless driving at trial, and 336 persons elected to plead guilty and prepay the fine. In fiscal 2021, 13,748 citations were issued for reckless driving, 545 persons were found guilty of reckless driving at trial, and 289 persons elected to plead guilty and prepay the fine. With respect to negligent driving violations involving accidents that resulted in the death of another, the Judiciary advises that 29 and 28 citations were issued for such violations in fiscal 2021 and 2022, respectively.

Department of Public Safety and Correctional Services

General fund expenditures may increase minimally from incarcerations in Baltimore City for reckless driving. 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.

Local Expenditures: Incarceration expenditures may increase minimally if the bill results in more people being committed to local correctional facilities. 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 \$90 to \$300 per inmate in recent years.

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: HB 360 (Delegate Szeliga, *et al.*) - Judiciary.

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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