

Department of Legislative Services  
 Maryland General Assembly  
 2024 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 207 (Delegate Edelson)  
 Judiciary

Motor Vehicles - Reckless Driving and Aggressive Driving - Penalties

This bill (1) specifies that a person convicted of reckless driving or aggressive driving is guilty of a misdemeanor and (2) alters the statutory penalties for reckless driving and aggressive driving. Under the bill, reckless driving and aggressive driving are subject to a term of imprisonment of up to 30 days and/or a maximum fine of \$1,000. If a person is convicted of a second or subsequent reckless driving or aggressive driving offense within three years of a prior conviction for the same offense, the person may be imprisoned for up to 90 days and/or fined up to \$1,000.

Fiscal Summary

**State Effect:** General fund expenditures for the Judiciary increase by \$85,400 in FY 2025 only; enforcement can otherwise be handled with existing resources. Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
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 government expenditures due to the bill’s incarceration penalties. Revenues are not materially affected.

**Small Business Effect:** None.

## Analysis

**Current Law:** Unless otherwise specified, a violation of the Maryland Vehicle Law (including reckless driving and aggressive driving) is a misdemeanor.

Reckless driving is the operation of a motor vehicle (1) in wanton or willful disregard for the safety of persons or property or (2) in a manner that indicates a wanton or willful disregard for the safety of persons or property. A person convicted of a reckless driving offense is subject to a fine of up to \$1,000. The District Court assesses a prepayment penalty of \$510 for reckless driving; upon conviction, the Motor Vehicle Administration (MVA) must assess six points against a violator's driver's license.

Aggressive driving is the commission of three or more specified traffic offenses at the same time or during a single and continuous period of driving in violation of provisions pertaining to (1) failure to obey traffic lights with steady indication; (2) overtaking and passing vehicles; (3) passing on the right; (4) driving on laned roadways; (5) following too closely; (6) failure to yield the right-of-way; or (7) exceeding a maximum speed limit or posted maximum speed limit. The maximum statutory penalty for aggressive driving is a \$500 fine. The District Court assesses a prepayment penalty of \$370 for aggressive driving; upon conviction, MVA must assess five points against a violator's driver's license.

### **State Expenditures:**

#### *Judiciary*

General fund expenditures for the Judiciary increase by \$85,421 in fiscal 2025 for one-time programming costs to reflect the bill's changes.

The Judiciary can handle must-appear offenses for reckless driving and aggressive driving with existing budgeted resources. Although the bill does not designate reckless driving or aggressive driving as must-appear offenses, any charge that carries a possible sentence of incarceration is a must-appear violation. Therefore, under the bill, a person charged with reckless driving or aggressive driving must appear in court and may not prepay the fine.

For context, **Exhibit 1** features data from the Maryland Judiciary on the number of violations (charges) and convictions under § 21-901.1(a) of the Transportation Article for reckless driving in the District Court and the circuit courts for fiscal 2022 and 2023.

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**Exhibit 1**  
**Violations and Convictions for Reckless Driving**

<u>Fiscal Year</u>	<u>District Court Violations</u>	<u>District Court Convictions</u>	<u>Circuit Court Violations</u>	<u>Circuit Court Convictions</u>
2022	12,252	641	1,704	67
2023	11,257	508	1,732	79

Source: Maryland Judiciary

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**Exhibit 2** contains information on the number of violations (charges) and convictions for aggressive driving, pursuant to § 21-901.2 of the Transportation Article, in the District Court and the circuit courts for fiscal 2022 and 2023.

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**Exhibit 2**  
**Violations and Convictions for Aggressive Driving**

<u>Fiscal Year</u>	<u>District Court Violations</u>	<u>District Court Convictions</u>	<u>Circuit Court Violations</u>	<u>Circuit Court Convictions</u>
2022	528	83	42	1
2023	507	63	52	2

Source: Maryland Judiciary

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*Department of Public Safety and Correctional Services*

General fund expenditures may increase 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. The number of people incarcerated as a result of the bill is expected to be minimal.

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:** Expenditures may increase minimally as a result of the bill's incarceration penalties for reckless and aggressive driving offenses. 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 incarcerated individual in recent years.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 23, 2024  
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