

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 433 (Delegate Edelson)
 Environment and Transportation

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 for a first offense. 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 Office of the Public Defender (OPD) increase by *at least* \$287,200 in FY 2026; future years reflect annualization, inflation, and ongoing operating costs. Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions. The Judiciary can implement the bill with existing budgeted resources.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	287,200	344,200	359,400	375,400	391,400
Net Effect	(\$287,200)	(\$344,200)	(\$359,400)	(\$375,400)	(\$391,400)

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 Revenues: While the bill does not modify the existing \$1,000 maximum fine for reckless driving, it does increase the maximum fine for an aggressive driving conviction from \$500 to \$1,000. Accordingly, general fund revenues may increase minimally from fines imposed in District Court cases that are subject to this higher monetary penalty.

State Expenditures:

Judiciary

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 2023 and 2024.

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>
2023	11,707	1,057	1,668	77
2024	12,096	974	1,869	68

Source: Maryland Judiciary

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 2023 and 2024.

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>
2023	545	163	52	3
2024	612	131	47	1

Source: Maryland Judiciary

Office of the Public Defender

General fund expenditures for OPD increase by *at least* \$287,174 in fiscal 2026, which accounts for the bill's October 1, 2025 effective date. This estimate reflects the cost of hiring three OPD attorneys to provide representation to indigent defendants in reckless driving cases. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salaries and Fringe Benefits	\$265,068
Operating Expenses	<u>22,106</u>
Minimum OPD FY 2026 State Expenditures	\$287,174

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

OPD does not provide legal representation in non-incarcerable criminal cases. Thus, OPD caseloads increase due to the bill's incarceration penalties for reckless driving and aggressive driving. OPD was not contacted for a fiscal estimate regarding this legislation; however, using information and calculations OPD provided with respect to other legislation that makes reckless driving an incarcerable offense and extrapolating from the Judiciary's data (see above), OPD would likely advise that the bill requires six attorneys and additional administrative employees to provide representation in reckless driving and aggressive driving cases. While the Department of Legislative Services (DLS) agrees that additional OPD personnel are needed, DLS is unable to independently verify the assumptions OPD used in its calculations. DLS advises that it is likely that OPD requires *at least* three attorneys to implement the bill. Should actual experience under the bill indicate the need for additional OPD personnel, OPD can request those positions through the annual budget process.

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 \$140 to \$350 per incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 207 of 2024.

Designated Cross File: None.

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

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js/aad

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