

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1334 (Delegate Moon, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws – Canceled, Revoked, and Suspended Driver’s Licenses – Penalties

This bill repeals the term of imprisonment and reduces the points assessed for a person convicted of possessing any canceled, revoked, or suspended license.

Fiscal Summary

State Effect: General fund expenditures may decrease minimally beginning in FY 2019 due to fewer people being imprisoned under the bill. General fund revenues are not materially affected. Transportation Trust Fund (TTF) revenues may decrease minimally beginning in FY 2019 due to fewer license reinstatements.

Local Effect: Local government expenditures may decrease minimally beginning in FY 2019 due to fewer people being imprisoned in local detention facilities under the bill. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, a person convicted of possessing any canceled, revoked, or suspended license is subject to imprisonment for up to two months, a fine of up to \$500, or both. The bill repeals the term of imprisonment for a convicted person but leaves the amount of the maximum fine unchanged.

Under current law, MVA must assess 12 points against a person convicted for possessing a canceled, revoked, or suspended license. Under the bill, MVA must instead assess 3 points against the person’s license.

Under current law, the District Court requires an individual to appear in court for any of the offenses addressed by the bill. The District Court advises that, under the bill, an individual would no longer be required to appear in court and would be allowed to prepay the fine. However, a defendant would still have the option of requesting a trial or waiver hearing instead of paying the fine.

Exhibit 1 shows how the bill affects points assessed, the maximum fine, and the term of imprisonment for the relevant violations.

Exhibit 1
Penalties, Fines, and Imprisonment Under
Current Law and the Bill

	Points Assessed Under:		Maximum Fine Under:		Maximum Term of Imprisonment Under:	
	Current Law	The Bill	Current Law	The Bill	Current Law	The Bill
If Convicted of Possessing:						
Canceled License	12	3	\$500	\$500	Two months	n/a
Revoked License						
Suspended License						

Source: Department of Legislative Services

Background: According to the District Court, in fiscal 2017, there were 33 violations of possession of a canceled license and 1 guilty disposition; 281 violations of possession of a revoked license and 3 guilty dispositions; and 8,215 violations of possession of a suspended license and 35 guilty dispositions. The number of people imprisoned for these offenses is not known; however, it is assumed to be negligible.

State Fiscal Effect: General fund expenditures may decrease minimally beginning in fiscal 2019 due to people no longer being committed to State correctional facilities for convictions in Baltimore City. The number of people currently imprisoned for possessing a canceled, revoked, or suspended license is assumed to be negligible.

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.

The bill is not anticipated to result in any general fund savings for the District Court but likely results in operational efficiencies due to fewer must-appear offenses.

Because the bill leaves the fine unchanged for the violations addressed by the bill, general fund revenues are generally assumed to be unaffected by the bill. However, to the extent that the District Court sets the prepayable fine at an amount that differs from the average amount currently paid by individuals convicted in court, general fund revenues may be affected. The difference is not expected to be significant, however.

Any impact on reinstatement fee revenues for MVA due to changes in the points assessed is assumed to be minimal.

Local Expenditures: Expenditures may decrease minimally as a result of the bill's removal of the incarceration penalty for possessing a canceled, revoked, or suspended license. As noted above, the number of people currently imprisoned for possessing a canceled, revoked, or suspended license is assumed to be negligible. 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 \$40 to \$170 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510