

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 902
 Judiciary

(Delegate Petzold, *et al.*)

Judicial Proceedings

Moving Violations - Death - Notice to Appear

This bill provides that if a traffic citation is issued to a person for a moving violation that contributes to an accident and results in death to another person, that person may not comply with the notice to appear by prepayment of a fine. Instead, the person must appear in court. A police officer who issues a traffic citation for such a moving violation must check the box on the citation indicating that the person must appear for trial when notified by the court. If the offense is a moving violation that contributes to an accident and results in death to another person, and the court notifies the Motor Vehicle Administration (MVA) of the failure to appear, the requirement that a court must wait 20 days after the original trial date before issuing a warrant does not apply.

Fiscal Summary

State Effect: General fund expenditures increase by \$156,000 in FY 2005 due to one-time computer programming changes in the District Court.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	156,000	0	0	0	0
Net Effect	(\$156,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill's requirements could be handled using existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: A traffic citation must contain: (1) a notice to appear in court; (2) the name and mailing address of the person cited; (3) the number of the person's driver's license and vehicle registration number, if applicable; (4) the violation charged; (5) the time and place for the required court appearance; and (6) a statement acknowledging receipt of the citation. In addition to any other necessary information, the citation must contain a clear and conspicuous statement that signing the citation does not constitute an admission of guilt, and that failure to sign the citation may subject the person to arrest.

Unless the person cited demands an earlier hearing, the notice to appear must be at least five days after the alleged violation. The appearance must be before a judge of the District Court.

A person may comply with a notice to appear by appearing in court in person, by appearance by counsel, or by payment of the fine, if provided for in the citation. A person may request, in lieu of trial, a hearing before the court on sentencing and disposition, if the person does not dispute the alleged facts and returns a copy of the citation to the District Court in the time allowed for payment of the fine. A person who requests a hearing on sentencing and disposition waives any right to a trial of the alleged facts and any right to compel the appearance of the law enforcement officer who issued the citation. Such a hearing may be requested only if the traffic citation is for an offense that is not punishable by incarceration.

If a person fails to comply with a notice to appear, the District Court or a circuit court may issue a warrant for the person's arrest, or after five days, notify the MVA of the person's noncompliance. If the MVA receives a notice of noncompliance from the District Court or a circuit court, the MVA must notify the person that his or her driving privileges will be suspended unless, by the end of the fifteenth day after the date on which the notice is mailed, the person pays the fine, or posts bond or a penalty deposit and requests a new trial or hearing date. If the person fails to pay the fine, post the bond, or a penalty deposit, the MVA is authorized to suspend the driving privileges of that person.

When the offense is not punishable by incarceration, if a court notifies the MVA of a person's failure to appear, a warrant may not be issued until 20 days after the original trial date.

State Expenditures: General fund expenditures in fiscal 2005 for the District Court could increase by \$156,000 in one-time start-up costs to make computer programming changes.

The District Court advises that the automated system for processing traffic violations has a predetermined designation for prepayment or a required appearance, depending on the statutory requirements. For the moving violations addressed in this bill, the statutory designation would no longer determine the prepayment or must appear status. The deciding factor would be whether the investigating officer concluded that the moving violation contributed to an accident that resulted in death to another person. About 30 programs in the automated system would be affected, and two methods for processing moving violations would be required.

Legislative Services advises that if other legislation is enacted that changes the method for the determination of the prepayment or must appear status for moving or other violations, economies of scale could be realized and the District Court could reduce its expenditures.

The MVA advises that because a minimal number of convictions is anticipated under the bill's provisions, the requirements can be met with existing resources.

Additional Information

Prior Introductions: This bill is a reintroduction of HB 757 of 2003. HB 757 was referred to the Judiciary Committee, where it received an unfavorable report.

Cross File: None.

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

Fiscal Note History: First Reader - March 10, 2004
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