

HB 3446 B STAFF MEASURE SUMMARY

Carrier: Sen. Thatcher

Senate Committee On Judiciary

Action Date: 05/31/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Authorizes court to enter judgment of conviction for Class A misdemeanor at any time after successful completion of probation by person convicted of criminal driving while suspended or revoked, committed before September 1, 1999 and resulting from habitual offender status, if court determines that it would be unduly harsh for the person to continue to have felony conviction.

ISSUES DISCUSSED:

- Inability to expunge traffic offenses
- Effect of felony conviction

EFFECT OF AMENDMENT:

Limits application of bill to convictions resulting from habitual offender status and conduct committed before September 1, 1999.

BACKGROUND:

A person commits a driving while suspended or revoked offense if the person drives on a highway during a period in which the person's driving privileges have been suspended or revoked, or if the person drives outside the scope of a probationary, hardship or other qualified permit. Criminal driving while suspended or revoked is a Class A misdemeanor or a Class B felony, depending on the underlying reason for the suspension or revocation. From September 1, 1999, to present, criminal driving while suspended or revoked has been classified as a Class A misdemeanor, if the underlying suspension or revocation resulted from habitual offender status. House Bill 3446-B allows the court to reduce this felony conviction for criminal driving while suspended or revoked, committed before September 1, 1999, to a Class A misdemeanor, if the convicted person successfully completed probation and the court determines that it would be unduly harsh for the person to continue to have a felony conviction, after considering the nature and circumstances of the crime and the history and character of the person.