



# RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2024 Session  
HB0059

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## Crimes of Violence - Motor Vehicle Theft

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### Bill Summary

This bill expands the definition of a “crime of violence” under § 14-101 of the Criminal Law Article and § 5-101 of the Public Safety Article to include motor vehicle theft.

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### Racial Equity Impact Statement

The bill reclassifies motor vehicle theft as a “crime of violence” in the Criminal Law and Public Safety Articles. Limited arrest and sentencing data show that Black defendants are overrepresented in arrests for motor vehicle theft under § 7-105 of the Criminal Law Article. This data suggests that the bill could potentially exacerbate existing racial disparities present in the State’s criminal justice system. Additional longitudinal data on the racial and ethnic distribution of the individuals charged, arrested, convicted, and incarcerated for violating § 7-105 would be necessary to determine the specific equity impacts of the bill.

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### Analysis

This bill adds motor vehicle theft to the definition of a crime of violence under both § 14-101 of the Criminal Law Article and § 5-101 of the Public Safety Article. Section 7-105 of the Criminal Law Article prohibits a person from knowingly and willfully taking a motor vehicle out of its owner’s lawful custody, control, or use without the owner’s consent. A violator is guilty of a felony and on conviction is subject to imprisonment for up to five years and/or a maximum fine of \$5,000.

#### *Uniform Crime Reporting in Maryland*

The Department of State Police (DSP) crime reporting program is currently in the process of moving from the existing Summary Reporting System to the Federal Bureau of Investigation’s  
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National Incident Based Reporting System (NIBRS). The move to NIBRS is designed to improve the quality and quantity of crime data collected by law enforcement agencies. As of November 15, 2023, DSP reports that of the 157 reporting law enforcement agencies in Maryland, 99 have completed the transition to NIBRS. They include all primary agencies (county police/sheriff) in 20 counties and Baltimore City, including all counties with populations over 100,000. There are 30 agencies still in various stages of the NIBRS transition. The data for the remaining 28 reporting agencies is included among the other 99 reporting agencies as they represent multiple locations.

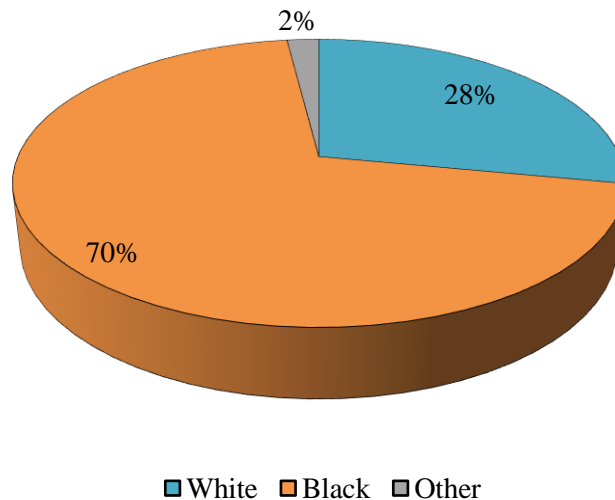
### *Arrests and Circuit Court Sentencing for Motor Vehicle Theft*

As shown in **Exhibit 1**, Black arrestees were overrepresented in total arrests for motor vehicle theft in 2022 with a share of 70% compared to their 29% share of the State’s overall population. By contrast, white arrestees comprised 28% of total motor vehicle arrests in 2022 compared to their 47% share of the State’s overall population. The remaining 2% of arrestees were individuals of other races.

As shown in **Exhibit 2**, Black defendants were also overrepresented in circuit court sentencing data for motor vehicle theft in fiscal 2022. Of the 71 individuals sentenced in circuit courts for motor vehicle theft, 69% were Black, 29% were white, and 2% were of other races. It is important to note that this data are limited to guidelines-eligible sentencing events and are not inclusive of all criminal sentencing events.

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**Exhibit 1**  
**Arrests for Motor Vehicle Theft by Race**  
**2022**

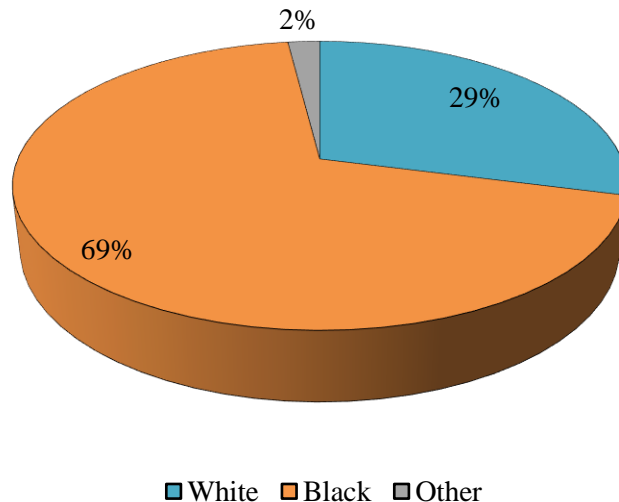


Source: Department of State Police

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**Exhibit 2**  
**Circuit Court Sentences for Motor Vehicle Theft by Race**  
**Fiscal 2022**



Source: Maryland State Commission on Criminal Sentencing Policy

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*Impacts of the Bill*

Classification of a crime as a crime of violence subjects a convicted individual to significantly harsher penalties including longer sentences, delayed parole, and reduced application of diminution credits while incarcerated.

Subsequent offenders sentenced for a crime of violence under § 14-101 of the Criminal Law Article are generally subject to mandatory sentences. For a second conviction of a crime of violence committed on or after October 1, 2018, a person must be sentenced to a mandatory minimum, nonsuspendable, and nonparolable term of 10 years, if the person has been convicted on a prior occasion of a crime of violence (including a conviction for a crime committed before October 1, 2018) and served a term of confinement in a correctional facility for that conviction. For a third conviction, a person must be sentenced to a mandatory minimum, nonsuspendable, and nonparolable term of 25 years, under specified conditions. For a fourth conviction, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence must be sentenced to life imprisonment without the possibility of parole.

Diminution credits are deducted from an incarcerated individual's "term of confinement," which is defined as (1) the length of the sentence, for a single sentence or (2) the period from the first day of the sentence that begins first through the last day of the sentence that ends last, for concurrent sentences, partially concurrent sentences, consecutive sentences, or a combination of concurrent

and consecutive sentences. While incarcerated individuals sentenced to a State correctional facility are generally entitled to earn diminution of confinement credits to reduce the lengths of their incarcerations, individuals sentenced for a crime of violence earn diminution credits at a lower rate than other incarcerated individuals.

Additionally, a sentence for a violent crime does not become parole-eligible until the incarcerated individual has served one-half of the sentence. This is compared to one-quarter of the sentence for offenses not classified as such. An incarcerated individual serving a term of incarceration that includes a mandatory minimum sentence that is not subject to parole by statute is not eligible for parole until the incarcerated individual has served that mandatory minimum sentence. In general, a sentence for a third crime of violence, or a second crime of violence committed on or after October 1, 2018, is not eligible for parole.

### *Juvenile Impacts*

In specified circumstances, juveniles that commit motor vehicle theft are tried in adult criminal court. In these cases, the bill could impose stricter penalties as discussed above. The 2022 arrest data indicates that juveniles comprised approximately 35% of motor vehicle theft arrests.

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## **Conclusion**

The bill could have a significant impact on offenders convicted of motor vehicle theft, particularly repeat offenders. Motor vehicle theft via force, violence, or involving a firearm is already categorized as a crime of violence in existing law. The bill's general reclassification of motor vehicle theft as a crime of violence would increase incarceration lengths through mandatory minimums, restrict parole eligibility, and limit the use of diminution credits for good behavior while incarcerated.

While the bill's provisions are likely to exacerbate existing racial disparities in the State's criminal justice system, determining specific impacts would require longitudinal and more comprehensive data on the racial and ethnic distribution of charges, arrests in the circuit and district courts, and parole releases. The magnitude of the impacts would depend on various factors, including sentencing practices, recidivism rates, and case clearances.

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**Information Sources:** Department of State Police; Maryland State Commission on Criminal Sentencing Policy; Department of Legislative Services

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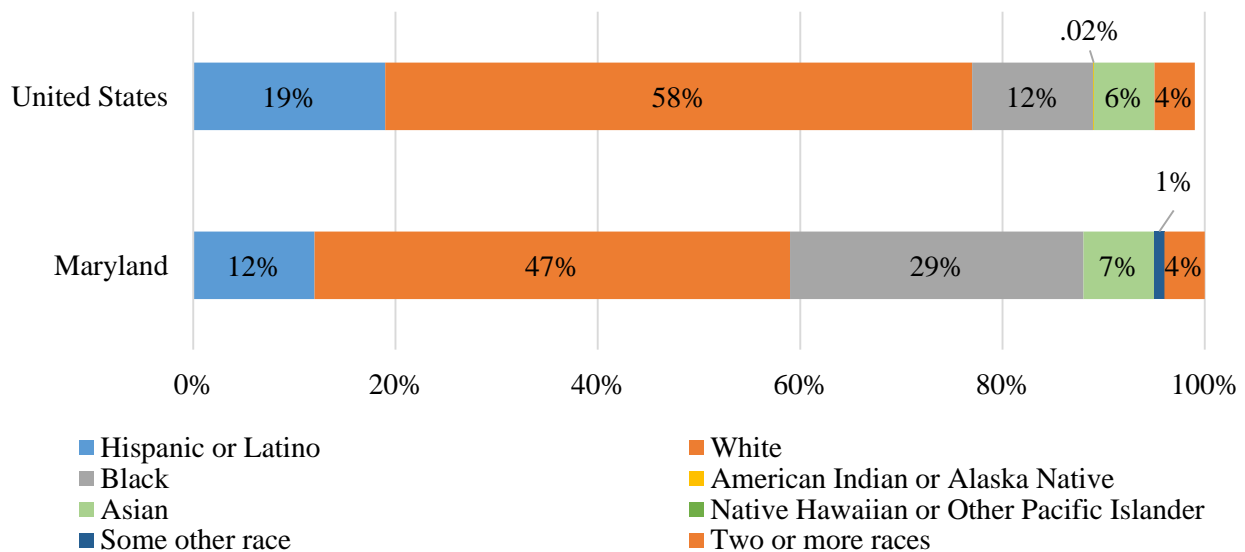
## Appendix – Maryland Demographics

### *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

**Exhibit 1**  
**U.S. and Maryland Population by Race and Ethnicity**  
**2020**



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.