

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 879

(Delegate Eckardt, *et al.*)

Judiciary

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**Criminal Law - Manslaughter and Manslaughter by Vehicle or Vessel - Penalties**

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This bill increases the maximum incarceration penalty for manslaughter and manslaughter by vehicle or vessel from 10 to 20 years.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund expenditures due to the bill's increased incarceration penalty provisions. Any potential effect on plea negotiations is unknown. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** Manslaughter is a common law offense. The meanings accorded to involuntary and voluntary manslaughter are judicially determined and based on case law. The distinction generally depends on whether there was an intention to kill. Manslaughter generally is a felony and distinct from murder by virtue of the absence of malice. Voluntary manslaughter is distinguished from murder by absence of malice aforethought, express or implied, and by having a reasonable provocation.

A person who commits manslaughter is guilty of a felony and subject to maximum penalties of: (1) imprisonment for 10 years; or (2) imprisonment in a local correctional

facility for 2 years and/or a fine of \$500. Voluntary manslaughter is a crime of violence for purposes of sentencing and parole laws.

A person may not cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a grossly negligent manner. A violator is guilty of the felony of manslaughter by vehicle or vessel and subject to maximum penalties of imprisonment for 10 years and/or a fine of \$5,000. A vehicle includes a motor vehicle, streetcar, locomotive, engine, and train.

Gross negligence has been held to be a wanton or reckless disregard for human life.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's increased incarceration penalties due to people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted of these crimes is not expected to change.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$310 per month. Excluding medical care, the average variable costs total \$120 per month.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 16, 2005  
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