

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

House Bill 356  
Judiciary

(Delegates Barnes and Frush)(By Request)

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Criminal Law - Reckless Endangerment - Use of a Motor Vehicle

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This bill prohibits a person from recklessly creating a substantial risk of death or serious physical injury to another by driving a motor vehicle through or into any part of a building or structure that is not designed or intended to accommodate motor vehicles if the person knows, or has reason to know, that the building or structure is occupied. A person who commits this offense is guilty of the misdemeanor of reckless endangerment and is subject to a maximum of five years imprisonment and/or a fine of up to \$5,000.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

**Small Business Effect:** None.

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Analysis

**Current Law:** A person may not recklessly engage in conduct that creates a substantial risk of death or serious physical injury to another, or discharge a firearm from a motor vehicle in a manner that creates substantial risk of death or serious injury to another. The prohibition against engaging in reckless conduct does not apply to the use of a motor vehicle, which is addressed in the Maryland Vehicle Law. The prohibition also does not apply to the manufacture, production, or sale of a product or commodity.

A person is guilty of reckless driving if the motor vehicle is driven in wanton or willful disregard for the safety of persons or property or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A violation of this provision is a misdemeanor, subject to a fine of up to \$1,000. (*See* Transportation Article § 21-901.1.)

**State Revenues:** General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

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 \$2,600 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 variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2010 are estimated to range from \$23 to \$71 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**Local Revenues:** Revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

**Local Expenditures:** Expenditures increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$46 to \$141 per inmate in fiscal 2010.

## **Additional Information**

**Prior Introductions:** HB 369 of 2003 received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2009  
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Analysis by: Karen D. Morgan

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