

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 277 (Senator Forehand, et al.)
Judicial Proceedings

Crimes - Homicide or Life Threatening Injury - Motor Vehicle or Vessel

This bill increases the maximum fine for homicide by a motor vehicle or vessel while intoxicated from \$3,000 to \$5,000 and establishes incarceration penalties for homicide by motor vehicle or vessel while under the influence of drugs or controlled dangerous substances of not more than three years. The maximum penalty for causing death while under the influence of alcohol is increased from one year in jail and/or \$1,000 to three years in prison and/or \$5,000.

The bill also establishes new crimes of causing life threatening injury as a result of driving while intoxicated which carries a maximum penalty of three years in prison and/or \$5,000. Causing life threatening injury by a motor vehicle or vessel while under the influence of alcohol, drugs or a controlled dangerous substance is subject to imprisonment for not more than two years and/or a fine of not more than \$3,000.

Fiscal Summary

State Effect: Indeterminate general fund revenue decrease and expenditure increase resulting from the bill's penalty provisions.

Local Effect: Indeterminate revenue and expenditure increases resulting from the bill's penalty provisions.

Fiscal Analysis

State Revenues: General fund revenues could decrease under the bill's monetary penalty provisions for those cases heard in District Court, depending upon the number of convictions and fines imposed. It is assumed that violators charged under the provisions related to causing life threatening injury would be more likely to be tried in the circuit courts.

State Expenditures: General fund expenditures could increase as a result of the bill's

incarceration penalty due to more people being committed to a Division of Correction (DOC) facility for longer periods of time and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. In fiscal 1995 there were 13 commitments to DOC for homicide by motor vehicle with average sentences of 38 months. It is assumed that more people are seriously injured than are killed by drunk drivers, and that the bill could add to the prison population.

Persons serving a sentence longer than 12 months are incarcerated in a DOC facility. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400.

Persons serving a sentence of 12 months or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1997 are estimated to range from \$11 to \$50 per inmate depending upon the jurisdiction. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1997 is estimated at \$43 per inmate.

Local Revenues: Revenues could increase under the bill's penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty, depending upon the number of convictions and sentences imposed. 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 \$22 to \$108 per inmate in fiscal 1997.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

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