

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 457 (Senator Jimeno, et al.)
Judicial Proceedings

**Homicide by Motor Vehicle or Vessel While Under the Influence of Alcohol -
Penalty**

This bill increases the maximum term of imprisonment from one to three years for homicide by motor vehicle or vessel while under the influence of alcohol.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's penalty provision. No effect on revenues.

Local Effect: Potential minimal decrease in expenditures due to the bill's penalty provision. No effect on revenues.

Fiscal Analysis

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, 13 people were convicted of homicide by motor vehicle. The average sentence was 37.9 months (1.9 months greater than the proposed maximum sentence). There is no data to determine how many convictions involved driving while under the influence of alcohol. Assuming current sentencing patterns remain the same, any increase in general fund expenditures is expected to be minimal.

Persons serving a sentence longer than one year 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 one year 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 \$10 to \$48 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 Expenditures: To the extent that fewer persons are sentenced to local detention centers, expenditures could decrease as a result of the bill's incarceration penalty depending upon the number of convictions and sentences imposed. Under current law, violators can be sentenced to no more than one year of incarceration. By increasing the maximum imprisonment from one to three years, it is assumed that more people will be sentenced to longer periods of incarceration. Thus, local detention centers' populations would decrease and the DOC population would increase.

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 \$19 to \$96 per inmate in fiscal 1997.

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

Fiscal Note History: First Reader - February 26, 1996
ncs

Analysis by: Lori Caldwell-Valentine
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710