

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

Senate Bill 149 (Senator Dorman)  
Judicial Proceedings

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**Homicide by Negligent Driving of a Motor Vehicle or Vessel**

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This bill establishes a new crime of causing the death of another as a result of the person's negligent driving, operation, or control of a motor vehicle or vessel. Violators are guilty of a misdemeanor and upon conviction are subject to a fine not to exceed \$500 or imprisonment of not more than 180 days, or both.

The bill is applied prospectively only.

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**Fiscal Summary**

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

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

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**Fiscal Analysis**

**State Revenues:** To the extent this bill results in more cases filed in District Court, general fund revenues could increase. Previous violators would have been convicted of manslaughter by automobile, vessel, etc. in either the District Court or the circuit court and subject to a maximum penalty of \$5,000 fine, 10 years imprisonment, or both. Assuming a change in prosecuting patterns to utilize the new offense instead of manslaughter, revenues could increase as more cases could be heard in the District Court where fine revenue goes to the State. Any increase in revenue, however, cannot be reliably estimated at this time, but is assumed to be minimal due to the small number of cases.

**State Expenditures:** General fund expenditures could decrease as a result of the bill's penalty provisions. In fiscal 1995, 13 people were convicted of manslaughter by motor vehicle. Allowing courts to convict persons of homicide by negligent driving of a motor vehicle or vessel would mean a savings for the Division of Correction (DOC) because inmates would not be sentenced to a DOC facility since the bill's maximum incarceration penalty is 180 days. Any reduction in time served would have a potential fiscal impact as it cost the DOC approximately \$200 per month for one inmate's food, medical care, and other costs.

These reductions would be partially offset by increased reimbursements to counties for part of the per diem rate after a person has served 90 days in a local detention facility. In fiscal 1997 the reimbursement rate is expected to range from \$11 to \$52. In addition, 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:** Homicide by negligent driving of a motor vehicle or vessel can also be filed in the circuit court. Assuming a change in prosecuting patterns to utilize the new offense instead of manslaughter, revenues could decrease to the extent that cases are filed in the District Court. Any such decrease is assumed to be minimal, given the small number of cases.

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalty depending upon the number of convictions and sentences imposed. To the extent that the homicide by motor vehicle offense is utilized, more offenders would serve their incarceration in local detention facilities. Counties pay the full cost of incarceration 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. As the number of offenders convicted of manslaughter by motor vehicle or vessel was relatively low, it is estimated that any such increase would be minimal.

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

**Fiscal Note History:** First Reader - January 23, 1996

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