

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 495 (The Speaker, *et al.*)
(Administration)

Judiciary

Crimes - Reckless Homicide by Motor Vehicle

This Administration bill establishes the crime of reckless homicide by motor vehicle. The crime is defined to occur when the driver of a motor vehicle has or indicates a wanton or willful disregard for the safety of persons or property, and the act results in the death of another person. Violators are subject to maximum misdemeanor penalties of a fine of \$5,000 and/or imprisonment for five years.

Fiscal Summary

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

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

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small businesses (attached). Fiscal Services concurs with this assessment.

Fiscal Analysis

Background: Both this bill and a current law misdemeanor address roadway fatalities when speed and/or drugs or alcohol are not involved. (Other laws address roadway fatalities where these factors are present.) The current law misdemeanor of manslaughter by automobile, vessel, etc. (Art. 27, § 388) involves causing the death of another person via gross negligence on the part of the vehicle operator. It carries maximum penalties of incarceration for ten years and/or a fine of \$5,000.

To the extent that this bill results in charges being filed against persons involved in traffic

fatalities where the current law manslaughter charge is considered inappropriate, State and local revenues and expenditures would be affected. There is no currently available data to indicate how often the misdemeanor created by this bill will be charged.

State Revenues: General fund revenues could increase under the bill's monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

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 and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500. For illustrative purposes, under the bill's maximum incarceration penalty the average time served would be 30 months. Thus State costs could increase by \$45,000 for each person imprisoned under the bill.

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 1998 are estimated to range from \$12 to \$42 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 1998 is estimated at \$43 per inmate.

Local Revenues: Revenues could increase under the bill's monetary penalty provision 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 \$23 to \$83 per inmate in fiscal 1998.

Information Source(s): Department of State Police, Department of Public Safety and Correctional Services, Department of Fiscal Services

Fiscal Note History: First Reader - February 10, 1997

nrd Revised - Updated Information - February 26, 1997

Analysis by: Guy G. Cherry

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710