

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 686 (Delegate Genn, *et al.*)

Judiciary

Referred to Judicial Proceedings

Vehicle Laws - Reckless Homicide by Motor Vehicle - Reckless Driving or Negligent Driving - Death

This amended bill provides that a person who causes the death of another as a result of the reckless driving of a motor vehicle in wanton or willful disregard for the safety of persons or property is guilty of reckless homicide by motor vehicle. Violators are subject to a fine of not more than \$500 and/or imprisonment for not more than two years.

The Motor Vehicle Administration (MVA) must assess 12 points against the driver's license of an individual convicted of reckless driving contributing to a vehicular accident in which the death of another person results or negligent driving contributing to a vehicular accident in which the death of another person results.

Fiscal Summary

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

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

Small Business Effect: None. The bill would not directly affect small businesses.

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 courts and subject to a maximum penalty of \$5,000 fine, ten years imprisonment, or both. Assuming a change in

prosecuting patterns to utilize the new offenses 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 revenues, however, cannot be reliably estimated at this time, but is assumed to be minimal due to the small number of cases.

Special fund revenues could increase as a result of the points MVA is required to assess on a violator's driver's license. A driver's license is revoked after 12 points have accumulated on an individual's driving record. Thus, for a first offense, a driver's license is revoked for six months. The MVA collects a \$15 application fee plus \$30 to reinstate a license, and a \$10 duplication fee after a revocation. Fiscal Services has no data with which to determine how many individuals would be assessed 12 points and have their licenses revoked as a result of this legislation. However, Transportation Trust Fund revenues would increase by \$55 for each revoked license that is reinstated.

Further, it is assumed that some individuals will request hearings to contest driver's license revocations. The Office of Administrative Hearings (OAH) imposes a \$15 fee per hearing which is deposited into the general fund. Hearings are generally requested in less than 50% of the cases where a driver's license has been revoked. The number of hearings that may be requested is unknown, but is assumed to be minimal.

State Expenditures: General fund expenditures could decrease as a result of the bill's penalty provisions. In fiscal 1996, 29 people were convicted of manslaughter by motor vehicle. Nine were sentenced to a Division of Correction (DOC) facility with an average sentence of 74 months (six years). Allowing courts to convict persons of homicide by negligent driving of a motor vehicle would mean a savings for the DOC because inmates would not be sentenced to as long a term of incarceration since the bill's maximum incarceration penalty is two years. 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.

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.

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 to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998

is estimated at \$43 per inmate.]

It cost the MVA approximately \$45 for each MVA hearing at OAH. The number of hearings that may be administered is unknown, but assumed to be minimal. As such, Transportation Trust Fund expenditures could increase, depending upon the actual number of hearings requested.

Local Revenues: Homicide or life threatening injury by negligent driving of a motor vehicle 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. 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 \$23 to \$83 per inmate in fiscal 1998. 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.

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

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