

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Revised

Senate Bill 367 (Senator Kelley, *et al.*)

Judicial Proceedings

Referred to Judiciary

Motor Vehicles - Penalties - Multiple Violations - Serious Physical Injury or Death

This amended bill increases the penalties on specified motor vehicle violations when two or more violations occur in a “single traffic incident” that results in injuries to others. A person convicted of two or more violations is subject to a fine of up to \$1,000 and/or imprisonment of up to one year for each violation if the single traffic incident results in serious physical injuries to another person. If the single traffic incident results in the death of another, the penalties are increased to no more than \$3,000 and/or imprisonment of up to two years for each violation. Current law provides for a fine of not more than \$500 or imprisonment of up to two months for each specified violation.

The bill also provides that the State’s Attorney must submit written notification of the intent to seek the additional penalties. The written notice must be submitted 15 days before trial in a circuit court or five days before trial in District Court. If the notice is not submitted within this time frame, the State’s Attorney may submit a written request to the court for a postponement. Unless the defendant waives the notice requirement, the court must then postpone the trial.

Fiscal Summary

State Effect: Indeterminate increase in general fund revenues and expenditures due to the bill’s penalty provisions. Indeterminate increase in special fund expenditures.

Local Effect: Indeterminate 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 Expenditures: Because the bill adds duplicate penalties to single traffic violations, the District Court advises that the Maryland Automated Traffic System is not equipped to handle such penalties. The District Court advises that reprogramming the system to identify duplicate penalties for violations is not a viable option. The court advises that a new violation, created by statute, encompassing the provisions of the bill, would alleviate their programming problems.

The Motor Vehicle Administration (MVA) advises that computer programming expenditures could increase by an estimated \$8,800 to program the changes proposed in the legislation. The Department of Fiscal Services advises that if other legislation is passed requiring computer reprogramming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation affecting the MVA system.

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.

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.]

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.

Additional Comments: The violations subject to the provisions of the bill carry a prepayable fine. Prepayable citations are not currently forwarded to the State's Attorneys. The bill does not provide a procedure to notify the State's Attorneys of the violations so that they may seek the additional penalties.

Information Source(s): Judiciary (District Court), Department of Transportation (Motor Vehicle Administration), Department of Fiscal Services

Fiscal Note History: First Reader - February 10, 1997

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