

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 849 (Delegate Genn, *et al.*)
Judiciary

Referred to Judicial Proceedings

Manslaughter by Vehicle and Homicide by Motor Vehicle or Vessel While Intoxicated, Intoxicated Per Se, or Under the Influence - Penalties

This enrolled bill changes, from misdemeanors to felonies, the crimes of manslaughter by automobile or other vehicle and homicide by motor vehicle (causing the death of another as a result of negligent driving, operation, or control of a motor vehicle or vessel while intoxicated, intoxicated per se, or under the influence of alcohol, drugs or a controlled dangerous substance). The penalties for these crimes remain the same. The bill also gives the District Court concurrent jurisdiction with the circuit court over these crimes.

Fiscal Summary

State Effect: Indeterminate increase in general fund revenues and expenditures due to applicable penalty provisions.

Local Effect: Indeterminate increase in revenues and expenditures due to applicable penalty provisions.

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

Fiscal Analysis

State Revenues: General fund revenues could increase under the applicable monetary penalty provisions for those cases heard in the District Court, depending upon the number of convictions and fines imposed. Any such increase is assumed to be minimal.

State Expenditures: In fiscal 1996, 29 people were convicted of homicide by motor vehicle (data are not available on convictions for manslaughter by motor vehicle). Only nine of the 29 were sentenced to a prison term. The average sentence length was 74 months. Twenty

people were placed on probation. Unless there is a major change in sentencing patterns, general fund expenditures relating to incarceration should not be materially affected.

Persons serving a sentence longer than one year are incarcerated in a Division of Correction (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. 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 Revenues: Revenues could increase under the applicable monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed. As the number of convictions was relatively low in fiscal 1996, it is assumed that this bill would not significantly increase local revenues resulting from the applicable monetary penalty provisions.

Local Expenditures: Unless there is a major change in sentencing patterns, expenditures relating to incarceration should not be materially affected. 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): Judiciary (District Court of Maryland), Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

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