

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 30 (Senator Baker)

Judicial Proceedings

Criminal Evidence - Voluntary Intoxication - Inadmissibility

This bill prohibits the use of voluntary intoxication as a defense to any criminal offense and prohibits the consideration of voluntary intoxication in determining the existence of any state of mind or any general or specific intent that is an element of any criminal offense.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures resulting from a possible increase in prosecutions and/or convictions.

Local Effect: Potential minimal increase in revenues and expenditures resulting from a possible increase in prosecutions and/or convictions.

Small Business Effect: None.

Fiscal Analysis

Background: Maryland courts currently allow the use of voluntary intoxication as a defense to “specific intent” crimes, which are often more serious crimes (e.g., assault with intent to murder, robbery). The bill would eliminate that defense. Therefore, in theory, more prosecutions and convictions could result. However, because the defense of voluntary intoxication is infrequently used, the fiscal effect would probably be minimal.

State Revenues: General fund revenues could increase for those cases heard in the District Court, if the bill results in more people being convicted of crimes and fined.

State Expenditures: General fund expenditures could increase due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for

reimbursement of inmate costs, if the bill results in more people being convicted of crimes. General fund expenditures could also increase due to people being committed to DOC facilities for longer periods of time, if the bill results in people being convicted of more serious crimes than they otherwise would have been.

Persons serving a sentence of longer than one year are incarcerated in a DOC facility. In fiscal 1999 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 1999 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 1999. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.

The State could also incur costs associated with additional prosecutions if prosecutors decide to institute more prosecutions due to the unavailability of the voluntary intoxication defense.

Local Revenues: Revenues could increase for those cases heard in the circuit courts, if the bill results in more people being convicted of crimes and fined.

Local Expenditures: Expenditures could increase if the bill results in more people being convicted of crimes and incarcerated. Expenditures could also increase if the bill results in people being committed to local detention facilities for longer periods of time than they otherwise would have been. 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 1999.

Local governments could also incur costs associated with additional prosecutions if prosecutors decide to institute more prosecutions due to the unavailability of the voluntary intoxication defense.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State's Attorneys' Association, Office of the Public Defender, Department of Public Safety and Correctional Services (Division of Correction), Office of the Attorney General, Department of Legislative Services

Fiscal Note History:

First Reader - January 23, 1998

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