

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1195 (Delegate Genn. *et al.*)

Judiciary

Vehicle Laws - Drunk and Drugged Driving - Penalties

This bill increases the penalty for those individuals convicted of a second or subsequent offense of driving while under the influence of any drug, combination of drugs, or combination of one or more drugs and alcohol or of driving while under the influence of a controlled dangerous substance. The bill increases the possible imprisonment term from not more than two months to not more than one year. For the purposes of determining penalties, a prior conviction of drunk driving shall be considered a prior conviction of driving while under the influence of drugs or drugs and alcohol or a prior conviction of driving while under the influence of a controlled dangerous substance.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's penalty provision. Revenues are not affected as the monetary penalty remains \$500 as under current law.

Local Effect: Minimal increase in expenditures due to the bill's penalty provision.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: The District Court reports that there were 171 violations of driving while under the influence of drugs or drugs and alcohol in fiscal 1997. There were 143 violations of driving while under the influence of a controlled dangerous substance. It is not known how many of these violations were second or subsequent offenses. General fund expenditures could increase as a result of the bill's extended incarceration penalty due to increased payments to counties for reimbursement of inmate costs, depending upon the

number of convictions and sentences imposed.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of the 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 Division of Correction 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.]

Local Expenditures: Expenditures could increase as a result of the bill's extended 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 1999.

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

Fiscal Note History: First Reader - March 16, 1998

Inc

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