

Department of Legislative Services  
Maryland General Assembly

FISCAL NOTE

Senate Bill 347 (Senator Stone. *et al.*)  
(Committee to Revise Article 27)

Judicial Proceedings

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**Crimes - Involuntary Manslaughter and Voluntary Manslaughter - Penalties**

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This bill provides a statutory distinction between voluntary and involuntary manslaughter. The maximum penalty for involuntary manslaughter is increased to a fine of \$5,000 and/or imprisonment of 10 years. The maximum penalty for voluntary manslaughter is increased to a fine of \$10,000 and/or imprisonment of 15 years. Current law provides that a person convicted of manslaughter must be imprisoned for up to 10 years, or a maximum fine of \$500 and/or maximum imprisonment of two years.

In addition, the bill provides that in certain cases a judge must make determinations relating to whether a convicted defendant should be found guilty of involuntary or voluntary manslaughter.

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**Fiscal Summary**

**State Effect:** Potential indeterminate increase in general fund expenditures due to the bill's increased incarceration penalty provisions.

**Local Effect:** Potential indeterminate increase in revenues due to the bill's increased monetary penalty provisions.

**Small Business Effect:** None.

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**Fiscal Analysis**

**Background:** In 1991, the Committee to Revise Article 27 was appointed by the President of the Senate and the Speaker of the House to substantively and stylistically revise the State's criminal laws.

The crime of manslaughter, under current law, is a common law offense. The meaning accorded to involuntary and voluntary manslaughter is judicially determined and based on case law. The distinction generally depends on whether there was an intention to kill or not. Manslaughter generally is a felony and distinct from murder by virtue of the absence of malice. Voluntary manslaughter is distinguished from murder by absence of malice aforethought, express or implied, and by having a reasonable provocation.

**State Expenditures:** General fund expenditures could increase as a result of the bill's increased incarceration penalties due to more offenders being committed to a Division of Correction (DOC) facility for longer periods of time. However, these changes will tend to decrease the likelihood that any offender will be sentenced to one year or less at a local detention facility. Accordingly, to the extent that any offenders have been sentenced to local facilities under current law, payments to counties for reimbursement of inmate costs will decrease by an indeterminate amount.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500. For illustrative purposes only, under the bill's maximum incarceration penalty for voluntary manslaughter the average time served would be 90 months, rather than the maximum of 60 months under the current law penalty for manslaughter generally. Thus State costs could increase by \$45,000 for each person imprisoned under the bill.

**Local Revenues:** Revenues could increase under the bill's increased monetary penalty provisions since these cases will be heard in the circuit courts, depending upon the number of convictions and fines imposed.

**Local Expenditures:** To the extent that any offenders have been sentenced to local facilities under current law, and will be sentenced to a DOC facility under these changes, local correction costs will tend to decrease.

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**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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