

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE**Revised**

Senate Bill 738 (Senator Forehand)

Judicial Proceedings

Vehicle Laws - Fleeing or Eluding a Police Officer - Penalties

This bill increases the penalties for fleeing or eluding a police officer under specified circumstances. If the attempt to elude police results in bodily injury, the monetary penalty is increased from a maximum of \$3,000 to a maximum of \$5,000. The incarceration penalty remains the same at a maximum of three years. If the attempt results in the death of another individual, the incarceration penalty is increased from a maximum of five years to 10 years. The current maximum monetary penalty of \$5,000 remains unchanged.

Fiscal Summary

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

Local Effect: Indeterminate increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Fiscal Analysis

State Revenues: In fiscal 1997, there were 1,708 violations of attempting to elude a police officer in a vehicle, on foot, or by other means. It is not clear how many of these violations resulted in bodily injury or death to another person. General fund revenues could increase under the bill's increased monetary penalty provisions for those cases heard in District Court, depending upon the number of convictions and fines imposed.

State Expenditures: General fund expenditures could increase as a result of the bill's increased incarceration penalties due to more people being committed to a Division of Correction (DOC) facility 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 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.]

Local Revenues: Revenues could increase under the bill's monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's increased incarceration penalties 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 \$84 per inmate in fiscal 1999.

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

Fiscal Note History: First Reader - March 9, 1998
nncs Revised - Senate Third Reader - March 28, 1998
Revised - Enrolled Bill - April 30, 1998

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