

Department of Legislative Services  
Maryland General Assembly

FISCAL NOTE

Revised

House Bill 659 (Delegate M. Burns. *et al.*)

Judiciary

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**Vehicle Laws - Accident Resulting in Bodily Injury or Death -  
Penalties and Limitations**

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This bill changes the penalties for failing to remain at the scene of an accident that results in bodily injury to a fine of up to \$3,000 and/or imprisonment of up to one year for any offense.

Further, the penalties for those convicted of failing to remain at the scene of an accident that results in the death of another person are increased to a fine of up to \$5,000 and/or imprisonment of up to five years. The bill eliminates the distinctions among first, second, and subsequent offenses in regard to monetary and incarceration penalties. Under existing law, the penalty for both violations is a fine of \$1,000 and/or one year imprisonment for a first offense; a fine of up to \$2,000 and/or two years imprisonment for a second offense; and a fine of up to \$3,000 and/or three years imprisonment for a third or subsequent offense. The bill also establishes a three-year statute of limitations for failure to remain at the scene of an accident that results in death.

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**Fiscal Summary**

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

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

**Small Business Effect:** None.

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## Fiscal Analysis

**State Revenues:** The District Court reports that there were 829 violations of failure to remain at the scene of an accident that resulted in bodily injury or death in fiscal 1997. General fund revenues could increase under the bill's increased monetary penalty provisions for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

**State Expenditures:** This bill decreases the maximum incarceration penalty for second or subsequent offenses of failing to remain at the scene of an accident that results in bodily injury. Conversely, the bill increases the maximum incarceration penalty for the same offense if the accident results in the death of another person. Therefore, general fund expenditures could increase or decrease as a result of the bill's increased incarceration penalty, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a Division of Correction (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 effect of the three-year statute of limitations on the possible prosecutions, convictions, and penalties is not readily available.

**Local Revenues:** Due to the increased monetary penalties, it is more likely that cases will be heard in the circuit courts. Revenues could increase under the bill's increased monetary penalty provisions for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

**Local Expenditures:** 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):** Judiciary (District Court), 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  
nncs Revised - House Third Reader - March 28, 1998

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