

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 369 (Senators Ruben and Forehand)

Judicial Proceedings

Vehicle Laws - Drunk and Drugged Driving - Second Offenses

This bill increases the incarceration penalty for a second or subsequent offense of driving while under the influence of drugs, a combination of alcohol and drugs, or a controlled dangerous substance from a maximum of two months to a maximum of one year.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's penalty provision. Potential minimal decrease in general fund revenues.

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

Small Business Effect: None.

Fiscal Analysis

State Revenues: The monetary penalty for driving while under the influence of drugs, a combination of alcohol and drugs, or a controlled dangerous substance remains at a maximum of \$500. General fund revenues could decrease for those cases heard in circuit courts rather than in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: In fiscal 1997, there were approximately 300 violations of driving while under the influence of drugs, drugs and alcohol, or a controlled dangerous substance. It is not clear how many of these offenses were second or subsequent offenses. General fund expenditures could increase as a result of the bill's longer 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 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 Division of Correction (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 provision for those cases heard in the circuit courts rather than District Court, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's longer 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 Transportation (Motor Vehicle Administration), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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