

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Senate Bill 231 (Senator Bromwell)

Judicial Proceedings

Crimes - Death of a Child - Gross Negligence

This bill provides that a person who causes the death of a child as a result of gross negligence is guilty of a felony and subject to maximum penalties of a fine of \$5,000 and/or imprisonment of ten years. The bill provides for the sufficiency of charging documents for this crime.

In addition, a prosecution for murder or manslaughter under this bill is included among those that may be instituted regardless of the elapsed time between the cause of death and the time of death.

Fiscal Summary

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

Local Effect: Potential minimal increase in revenues due to the bill's penalty provisions.

Small Business Effect: None.

Fiscal Analysis

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction

(DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month. For illustrative purposes, under the bill's maximum incarceration penalty, the average time served would be 60 months. Assuming the variable inmate costs of \$275 per month, State costs could increase by \$16,500 for each person imprisoned under the bill.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures should not be affected since persons convicted for this crime will tend to receive a sentence greater than one year and, thereby, serve their sentence in a DOC facility.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Department of Human Resources, Department of Legislative Services

Fiscal Note History: First Reader - February 23, 1999

Inc/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 946-5510

(301) 970-5510