

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 737 (Delegate Amedori, *et al.*)

Judiciary

Drunk and Drugged Driving - Refusal to Take Blood or Breath Test - Inference or Presumption of Guilt or Innocence

This bill provides that it is the duty of the fact finder in a drunk driving trial to determine what weight should be given to a refusal to submit to a blood or breath test with respect to an inference or presumption of guilt or innocence. Current law provides that no inference or presumption of guilt or innocence arises because of refusal to submit to a test.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to an expected increase in the number of convictions.

Local Effect: Minimal increase in revenues and expenditures due to an expected increase in the number of convictions.

Small Business Effect: None.

Fiscal Analysis

State Revenues: The bill allows the fact finder in a drunk driving case to consider the defendant's refusal to submit to a blood or breath test. This may result in a minimal increase in the number of convictions in such cases. General fund revenues could increase minimally as a result of a potential increase in convictions in cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of additional people convicted due to the change in evidentiary procedures 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.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of a potential increase in convictions in cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally due to a greater number of convictions. 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 \$15 to \$80 per inmate in fiscal 2000.

Information Source(s): Judiciary (The District Court), Maryland Department of Transportation (Motor Vehicle Administration), Office of the Public Defender, Department of Legislative Services

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