

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE

House Bill 999 (Delegate K. Kelly)

Judiciary

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Vehicle Laws - Drunk and Drugged Driving - Penalties

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This bill increases the penalty for those individuals convicted of a second or subsequent offense of driving while under the influence of any drug, combination of drugs, or combination of one or more drugs and alcohol or of driving while under the influence of a controlled dangerous substance. The bill increases the possible imprisonment term from not more than two months to not more than one year. For the purposes of determining penalties, a prior conviction of drunk driving shall be considered a prior conviction of driving while under the influence of drugs or drugs and alcohol or a prior conviction of driving while under the influence of a controlled dangerous substance.

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Fiscal Summary

**State Effect:** Minimal increase in general fund expenditures due to the bill's penalty provision. Revenues are not affected as the monetary penalty remains \$500 as under current law.

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

**Small Business Effect:** None.

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Fiscal Analysis

**State Expenditures:** The District Court reports that there were 53 convictions of driving while under the influence of drugs or drugs and alcohol in fiscal 1997. There were 33 convictions of driving while under the influence of a controlled dangerous substance. It is not known how many of these violations were second or subsequent offenses. General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to increased payments to counties for reimbursement of inmate costs and more people being

committed to Division of Correction (DOC) facilities.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 a DOC facility. Currently, the DOC 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.

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalties. 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 \$15 to \$80 per inmate in fiscal 2000.

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**Information Source(s):** 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 15, 1999  
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