

Department of Legislative Services  
Maryland General Assembly  
1999 Session

**FISCAL NOTE**

Senate Bill 379 (Senator Jimeno)

Judicial Proceedings

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**Vehicle Laws - Drunk and Drugged Driving - Penalties**

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This bill increases the imprisonment penalty for second or subsequent violations of driving while under the influence of drugs or drugs and alcohol and driving while under the influence of a controlled dangerous substance from a maximum of two months to a maximum of one year. The bill provides that a prior conviction of drunk driving, driving while under the influence of drugs or drugs and alcohol, or driving while under the influence of a controlled dangerous substance must be considered a prior conviction of any current offense of drunk or drugged driving for the purposes of sentencing second or subsequent offenders. The bill does not alter the current maximum monetary penalty of \$500 which may be assessed in lieu of, or in addition to, the imprisonment penalty.

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**Fiscal Summary**

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

**Local Effect:** Potential minimal increases in expenditures and revenues due to the bill's expanded penalty provision.

**Small Business Effect:** None.

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**Fiscal Analysis**

**State Revenues:** Because the bill increases the maximum imprisonment penalty and expands the pool of defendants eligible for the increased penalty, more defendants could request jury trials, thereby moving the cases to the circuit courts. Fines from cases heard in the circuit courts are remitted to the local jurisdictions. Accordingly, a decrease in the number of cases heard in the District Court would decrease general fund revenue from fines. Any such decrease is assumed to be minimal.

**State Expenditures:** General fund expenditures could increase minimally because the bill

increases the incarceration penalty and expands the pool of defendants eligible for such penalties. Expenditures would increase due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities.

In 1998, DOC received 212 offenders convicted of drunk or drugged driving. It is unknown, however, how many of these offenders were convicted of second or subsequent offenses. 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. 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 Revenues:** Local revenues could increase to the extent that more cases are heard in the circuit courts.

**Local Expenditures:** Expenditures could increase as a result of the bill's increased incarceration penalty. 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):** Judiciary (The District Court), Maryland Department of Transportation, Office of Administrative Hearings, Department of Public Safety and Correctional Services (Division of Correction)

**Fiscal Note History:** First Reader - March 3, 1999  
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