

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 231 (Senator Forehand. *et al.*)

Judicial Proceedings

Homicide by Negligent Driving

This bill establishes the offense of homicide by negligent driving, defined as causing the death of another person due to the negligent operation of a motor vehicle. Violators are guilty of a misdemeanor and subject to imprisonment of up to five years and/or a fine of up to \$5,000. Further, 12 points will be assessed on an offender's driving record.

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Current Law: A person who causes the death of another as the result of driving in a grossly negligent manner is guilty of manslaughter by automobile. This offense carries an imprisonment sentence of up to ten years and/or a fine of up to \$5,000.

Negligent driving is defined as driving in a careless or imprudent manner that endangers any property or the life of an individual. Violators are subject to a fine of \$120 and one point is assessed on the violator's driving record.

Background: In fiscal 1999, there were 15,338 violations of negligent driving; there were no convictions of manslaughter by automobile.

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 and increased payments to counties for reimbursement of inmate costs. 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 \$1,700 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 \$260 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 2001 are estimated to range from \$11 to \$54 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, a State operated facility, is used primarily for pretrial detentions.

The Motor Vehicle Administration could handle any additional assessment of points on driving records with existing budgeted resources.

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 could increase minimally as a result of the bill's incarceration penalty. 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 \$22 to \$83 per inmate in fiscal 2001.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Judiciary, Office of the Public Defender, Maryland State's Attorneys' Association, Department of Legislative Services

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