

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 242 (Senator Ruben)

Judicial Proceedings

Aggravated Reckless Endangerment - Causing Serious Physical Injury to Certain Bus Drivers

This bill prohibits an individual from causing serious physical injury to a bus driver who is performing official duties, if the bus driver is employed by a private school, a public school, a county school system, or is a driver of a bus owned by or operated by or for a public or private transit company. Violators are guilty of the felony of aggravated reckless endangerment and subject to maximum penalties of a fine of \$10,000 and/or imprisonment for five years. Violators of this offense using a handgun are guilty of the felony of first degree assault and subject to maximum imprisonment for 25 years.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

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

Small Business Effect: None.

Analysis

Current Law: While there are existing criminal law prohibitions against "reckless endangerment" and "first degree assault," neither offense specifically involves or prohibits causing serious physical injury to a bus driver. The crime of "aggravated reckless endangerment" does not currently exist.

State Revenues: None. Since these cases are felonies, they would be heard in the circuit

courts.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties 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 \$1,700 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.

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

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty attached to the crime of aggravated reckless endangerment. 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 2001.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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