

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 994 (Delegate Giannetti)

Judiciary

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**Drunk and Drugged Driving - Evidence - Refusal to Submit to Test for Alcohol,  
Drugs, or Controlled Dangerous Substances**

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This bill repeals a prohibition against an inference or presumption of guilt or innocence arising because of a person's refusal to submit to a chemical test administered to determine alcohol concentration or drug or controlled dangerous substance content of a person's blood.

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**Fiscal Summary**

**State Effect:** General fund revenues and expenditures would increase to the extent that more people are convicted of drunk or drugged driving-related offenses.

**Local Effect:** Potential increase in revenues and expenditures due to more people being convicted of drunk or drugged driving-related offenses.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not be compelled to submit to a chemical test that determines alcohol concentration or drug or controlled dangerous substance content of that person's blood. No inference or presumption concerning guilt or innocence arises because of a refusal to submit.

**State Revenues:** In fiscal 1999, the District Court reports that there were 8,882 convictions of drunk or drugged driving, 955 not guilty verdicts, and 10,946 probations before judgement. Repealing the prohibition against an inference of guilt or innocence in a case

involving a refusal to submit to a chemical test will allow the fact that the person refused the test to be considered as evidence. Repealing a prohibition against a presumption of guilt or innocence allows the court to presume guilt based on the fact that the individual refused to take the test, unless the individual can rebut the presumption. It is expected that the bill's provisions would result in an increase in the number of convictions. The magnitude of any such increase cannot be reliably determined at this time. General fund revenues could increase from cases heard in the District Court.

**State Expenditures:** It is expected that the bill could increase the number of people convicted of crimes involving drunk and drugged driving offenses. General fund expenditures could increase due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs.

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 from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase minimally due to more people being convicted of crimes involving drunk and drugged driving offenses. 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 28, 2000  
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