

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 666 (Senator Jacobs)

Judicial Proceedings

Vehicle Laws - Eluding Police Officer - Penalties

This bill makes it a felony, rather than a misdemeanor, for the driver of a vehicle to elude a police officer which results in bodily injury to or death of another person. The bill also increases the maximum imprisonment penalties for such offenses from three years to five years in instances of bodily injury, and from ten years to 15 years in instances of death. Maximum monetary penalties remain at \$5,000 for each offense.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues to the extent that there is a change in court jurisdiction. Potential minimal increase in expenditures due to increased incarceration penalty provisions.

Local Effect: Potential minimal increase in revenues to the extent that there is a change in court jurisdiction. Expenditures should not be affected.

Small Business Effect: None.

Analysis

Current Law: The offenses of eluding a police officer and causing bodily injury or death as a result of such actions are misdemeanors and violators are subject to maximum penalties of a fine of \$5,000 and/or imprisonment for three years in instances of bodily injury, and a fine of \$5,000 and/or imprisonment for ten years in instances of death.

State Revenues: Since felonies are generally not heard in the District Court, general fund revenues could decrease as a result of the applicable fines not being collected.

State Expenditures: Changing crimes from misdemeanors to felonies means: (1) that such cases will be filed in the circuit courts rather than the District Court; and (2) some persons could eventually serve longer incarcerations due to enhanced penalty provisions, applicable to some offenses, for prior felony convictions.

The number of individuals who could be arrested and convicted under these provisions is unknown. As a point of reference, in fiscal 1999, 304 individuals were convicted of fleeing from a police officer. Of these 304, 83 were committed to a Division of Correction (DOC) facility with an average sentence of 16 months.

In any event, general fund expenditures could increase minimally as a result of the bill's increased incarceration penalties due to people being committed to DOC facilities for longer periods of time. The number of people convicted of this proposed crime is expected to remain the same.

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.

Local Revenues: By changing these crimes from misdemeanors to felonies, cases that could have been filed in District Court will be filed solely in the circuit courts. The number of cases is assumed to be small. Accordingly, this bill should not significantly increase local revenues resulting from the applicable monetary provisions.

Additional Information

Prior Introductions: In 1997, a similar bill (HB 548) was introduced and received an unfavorable report by the House Judiciary Committee.

Cross File: None.

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

Fiscal Note History: First Reader - February 29, 2000
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Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510