

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 1119 (Delegate Cole)

Judiciary

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**Crimes - Homicide by Motor Vehicle or Vessel While Intoxicated or Under the Influence of Alcohol, Drugs, or Controlled Dangerous Substances - Penalties**

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The bill increases the penalties for homicide by motor vehicle or vessel while intoxicated to a maximum of 20 years imprisonment and/or a fine of up to \$10,000. The bill increases the penalties for homicide by motor vehicle or vessel while under the influence of alcohol, drugs, or controlled dangerous substances to a maximum of 20 years imprisonment and/or a fine of up to \$10,000.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in expenditures due to the bill's increased penalty provisions.

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

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Any person causing the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while intoxicated is guilty of a felony to be known as "homicide by motor vehicle or vessel while intoxicated." The penalty for such an offense is imprisonment for not more than five years and/or a fine of not more than \$5,000.

A person who causes the death of another as the result of the person's negligent driving,

operation, or control of a motor vehicle or vessel while under the influence of alcohol, drugs, or a controlled dangerous substance is guilty of a felony to be known as "homicide by motor vehicle or vessel while under the influence." The penalty for such an offense is imprisonment for not more than three years and/or a fine of not more than \$5,000.

**State Expenditures:** On average, there are fewer than ten individuals convicted of homicide by motor vehicle or vessel while intoxicated or under the influence of drugs or alcohol each year. 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 for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people convicted under the enhanced penalty provision 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 provisions from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could decrease minimally to the extent that fewer people will serve sentences of less than one year. 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):** Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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