

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 410 (Senator Ruben)
Judicial Proceedings

Criminal Law - Reckless Endangerment of Bus Driver - Mandatory Penalty

This bill prohibits a person from recklessly engaging in conduct that creates a substantial risk of death or serious physical injury to the driver of a bus while the bus is in operation. Violators are guilty of a felony and subject to penalties of a maximum fine of \$10,000 and nonparaolable, nonsuspendable imprisonment for five to ten years.

Fiscal Summary

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

Local Effect: Potential minimal increase in revenues due to the bill's penalty provisions. Expenditures would not be affected.

Small Business Effect: None.

Analysis

Current Law: Generally, any person who recklessly engages in conduct that creates a substantial risk of death or serious physical injury to another person is guilty of the misdemeanor of reckless endangerment and is subject to maximum penalties of a fine of \$5,000 and/or imprisonment for five years.

The prohibition does not apply to any conduct involving: (1) the use of a motor vehicle; or (2) the manufacture, production, or sale of any product or commodity. If more than one person is endangered by the conduct of the defendant, a separate charge may be brought for each person endangered.

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. The number of people convicted of this proposed crime is expected to be minimal. In fiscal 2000 DOC had no intakes for reckless endangerment, while the Division of Parole and Probation 231 had such intakes. Whether any involved bus drivers is unknown.

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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month.

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

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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jm/jr

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