

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Senate Bill 675

(Senator Ferguson)

Judicial Proceedings

Crimes - Fleeing and Eluding Police - Penalties

This bill provides that a person who recklessly flees and eludes or attempts to recklessly flee and elude a police officer (in violation of an existing prohibition against flight after being given a “visual or audible signal” to stop) so as to create a substantial risk of serious physical injury to another person is guilty of a felony. Violators are guilty of the felony of reckless endangerment and subject to maximum penalties of a fine of \$10,000 and/or imprisonment for 15 years.

The bill also provides that a person who assaults another person while fleeing and eluding police is guilty of the felony of assault and subject to maximum penalties of a fine of \$10,000 and/or imprisonment for 20 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 due to the bill’s monetary penalty provisions, and decrease in expenditures due to the bill’s incarceration penalty provisions.

Small Business Effect: None.

Analysis

Current Law: Reckless endangerment is a misdemeanor and violators are subject to maximum penalties of a fine of \$5,000 and/or imprisonment for five years.

The existing prohibition against “*Fleeing or Eluding Police*” provides that an individual may not flee and attempt to elude or attempt to flee and elude by foot, car, or other means, a police officer who has signaled for the individual to stop. It is not required that the police officer be in uniform or prominently displaying the police officer’s badge when the police officer signals for the individual to stop, if the police officer is in a vehicle appropriately marked as an official police vehicle.

Maximum penalties for the misdemeanor of *Fleeing or Eluding Police* are as follows: (1) for a first offense, a fine of \$1,000 and/or imprisonment for one year; (2) for a second or subsequent offense, a fine of \$1,000 and/or imprisonment for two years; (3) for committing the offense by willfully failing to stop a vehicle, and as a result of these actions cause bodily injury to another person, a fine of \$5,000 and/or imprisonment for three years; and (4) for committing the offense by willfully failing to stop a vehicle, and as a result of these actions causes the death of another person, a fine of \$5,000 and/or imprisonment for ten years.

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 and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be relatively minimal. DOC reports that, for fiscal 2000, there were 73 intakes involving the misdemeanor offense of attempting to flee police. The average sentence imposed was 20 months. The Division of Parole and Probation had 194 intakes involving the same offense for fiscal 2000.

In any event, 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 provisions since felony cases of reckless endangerment or assault would be heard in the circuit courts.

Local Expenditures: Unless persons convicted under the bill's provisions are sentenced to a term of less than one year for the attendant felony conviction, expenditures should not be affected. However, to the extent that persons convicted under this bill's felony penalty provisions would have otherwise been convicted of the current law misdemeanor of fleeing and eluding, local detention facility costs may decrease minimally due to those same persons now being made subject to this bill's stiffer incarceration penalties and serving that sentence at a DOC facility.

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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