

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 977 (Delegate Giannetti)
Judiciary

Driving While Intoxicated or Intoxicated Per Se - Penalties

This bill increases the penalties for driving while intoxicated or intoxicated per se (DWI) if the driver's blood alcohol content (BAC) is .20 or greater. Violators will be subject to a fine of not more than \$5,000 and/or imprisonment for not more than five years.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provision.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provision.

Small Business Effect: None.

Analysis

Current Law: There are no legal distinctions between a person with a .10 and a .20 BAC. A person convicted of DWI is subject to the following penalties: (1) for a first offense, a fine of not more than \$1,000 and/or imprisonment for not more than one year; (2) for a second offense, a fine of not more than \$2,000 and/or imprisonment for not more than two years; and (3) for a third or subsequent offense, a fine of not more than \$3,000 and/or imprisonment for not more than three years.

A person who is convicted for DWI while transporting a minor is subject to the following penalties: (1) for a first offense, a fine of not more than \$2,000 and/or imprisonment for

not more than two years; (2) for a second offense, a fine of not more than \$3,000 and/or imprisonment for not more than three years; and (3) for a third or subsequent offense, a fine of not more than \$4,000 and/or imprisonment for not more than four years.

Background: The National Highway Safety and Transportation Agency released a report last year showing that “super-drunks” (a BAC in excess of .10) were responsible for 31.4% of all fatal automobile crashes in 1996. The report also showed that a third of these are caused by a driver with a BAC in excess of .20.

In fiscal 2000 there were 38,463 cases in Maryland involving drunk-driving violations, including 4,660 convictions for driving while intoxicated. The number with a BAC greater than .20 is unknown.

State Revenues: General fund revenues could increase minimally as a result of the bill’s monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill’s incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time. 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. The average variable cost of housing a new inmate (food, medical costs, etc.), excluding overhead, is \$288 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 2002 are estimated to range from \$9 to \$52 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 provision from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill’s incarceration penalty. 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 \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Highway Safety Administration, Department of State Police, Judiciary (District Court of Maryland), Department of Legislative Services

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