

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE**Revised**Senate Bill 648 (Senator Roesser, *et al.*)

Judicial Proceedings

Judiciary

Homicide by Aggressive Driving

This bill establishes the offense of homicide by aggressive driving. A person is guilty of this offense if the person exceeds the speed limit and commits two or more specified violations at the same time or during a single and continuous period of driving and causes the death of another person as a result of the person's negligent driving. Violators are guilty of a misdemeanor and are subject to imprisonment of up to three years and/or a fine of up to \$5,000. Further, 12 points are assessed on an offender's driving record.

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: A person who causes the death of another as the result of driving in a grossly negligent manner is guilty of manslaughter by automobile. This offense carries an imprisonment sentence of up to ten years and/or a fine of up to \$5,000.

There is no offense of aggressive driving under the Maryland Vehicle Law.

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 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 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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) 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 (BCDC), a State-operated facility, is used primarily for pretrial detentions.

The Motor Vehicle Administration could handle any additional assessment of points on driving records with existing budgeted resources.

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: SB 430 of 2000 was substantially similar. It passed both houses but was not reported out of a conference committee.

Cross File: None.

Information Source(s): Maryland Department of Transportation (Motor Vehicle Administration), Judiciary, Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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