

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

Senate Bill 759 (Senator Mitchell)
Judicial Proceedings

Manslaughter and Life-Threatening Injury

This bill revises laws relating to manslaughter and life-threatening injury. It establishes the crimes of manslaughter in the first, second, and third degrees and life-threatening injury in the first and second degrees. Penalties for these offenses are increased from penalties applicable under current law.

The bill also provides that unless the context clearly requires otherwise, a person who is found to have committed manslaughter or life-threatening injury involving operating a vehicle while intoxicated or under the influence is subject to the same limitations, conditions, and administrative sanctions imposed for the corresponding violation of the Transportation Article. The clerk of the court must notify the Motor Vehicle Administration (MVA) of each person convicted under the manslaughter and life-threatening injury prohibitions if the crime involved the use of a motor vehicle. The bill clarifies that a manslaughter or life-threatening injury conviction qualifies as a predicate offense for penalty enhancement under the Transportation Article.

The bill applies only to crimes committed on or after the bill's October 1, 2001 effective date.

Fiscal Summary

State Effect: Potential increase in general fund revenues and expenditures due to the bill's increased penalty provisions. Potential minimal one-time general fund expenditure increase for the District Court to modify programs for the reporting of motor vehicle offenses to the MVA.

Local Effect: Potential increase in revenues and expenditures due to the bill's increased penalty provisions. Potential minimal one-time expenditure increases for circuit courts to modify programs for the reporting of motor vehicle offenses to the MVA.

Small Business Effect: None.

Analysis

Bill Summary: First-degree manslaughter is defined as the commission of voluntary manslaughter, involuntary manslaughter, or causing the death of another by operating a vehicle in a grossly negligent manner. Commission of first-degree manslaughter is a felony. Maximum penalties are imprisonment for 15 years and/or a fine of \$15,000.

Second-degree manslaughter is defined as causing the death of another by negligently operating a vehicle while intoxicated. Maximum penalties for this felony are imprisonment for ten years and/or a fine of \$10,000.

Third degree manslaughter is defined as causing the death of another by negligently operating a vehicle while under the influence. Maximum penalties for this felony are imprisonment for five years and/or a fine of \$5,000.

Life-threatening injury in the first degree is defined as causing a life-threatening injury to another by negligently operating a vehicle while intoxicated. Maximum penalties for this misdemeanor are imprisonment for three years and/or a fine of \$5,000.

Life-threatening injury in the second degree is defined as causing a life-threatening injury to another by negligently operating a vehicle while under the influence. Maximum penalties for this misdemeanor are imprisonment for two years and/or a fine of \$5,000.

Current Law: Manslaughter is a common law felony. Voluntary manslaughter is defined as an intentional homicide, done in a sudden heat of passion, caused by adequate provocation, before there has been a reasonable opportunity for the passion to cool. Involuntary manslaughter is defined as the unintentional killing done without malice, by doing some unlawful act endangering life, or negligently doing some act lawful in itself, or by the negligent omission to perform a legal duty. *Cox v. State*, 311 Md. 326, 331-32 (1988).

The statutory penalty for manslaughter is a maximum of ten years imprisonment and/or a \$500 fine.

The penalty for the felony of manslaughter by vehicle is a maximum of ten years imprisonment and/or a \$5,000 fine.

The penalty for the felony of homicide by motor vehicle or vessel while intoxicated is a maximum of five years imprisonment and/or a \$5,000 fine.

The penalty for the felony of homicide by motor vehicle or vessel while under the influence is a maximum of three years imprisonment and/or a \$5,000 fine.

The penalty for the misdemeanor of causing life-threatening injury to another as a result of operating a vehicle while intoxicated is a maximum of three years imprisonment and/or a \$5,000 fine.

The penalty for the misdemeanor of causing life-threatening injury to another as a result of operating a vehicle while under the influence is a maximum of two years and/or a \$3,000 fine.

Background: The Division of Correction (DOC) advises that it had 59 intakes for manslaughter in fiscal 2000.

State Revenues: General fund revenues could increase as a result of the bill's increase in monetary penalty provisions for manslaughter offenses from cases heard in the District Court.

State Expenditures: General fund expenditures could increase as a result of the bill's increase in incarceration penalties for manslaughter offenses due to people being committed to DOC facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs.

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 DOC inmate (food, medical care, 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 as a result of the bill's increase in the monetary penalty provisions for manslaughter offenses from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase as a result of the bill's increase in incarceration penalties for manslaughter offenses. 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 in fiscal 2002.

Additional Information

Prior Introductions None.

Cross File: HB 737 (Delegate Cole) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the State's Attorneys' Coordinator, Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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Analysis by: Claire Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510