

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 1061 (Delegate Valderrama, *et al.*)
Judiciary

Judicial Proceedings

Drunk Driving - Homicide or Life Threatening Injury

This bill provides that in addition to any other penalties or any other condition of probation, a court may prohibit a person from operating a motor vehicle that is not equipped with an ignition interlock system for up to five years for commission of any of the following offenses:

- homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se;
- homicide by motor vehicle or vessel while impaired by alcohol;
- life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se; and
- life-threatening injury by motor vehicle or vessel while impaired by alcohol.

Fiscal Summary

State Effect: The MVA and the Division of Parole and Probation could handle the additional administrative work associated with additional ignition interlock system participants with existing resources.

Local Effect: The court system could handle the imposition of additional ignition interlock system participation requirements with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: A conviction of homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se is a felony, punishable by up to five years' imprisonment, a maximum fine of \$5,000, or both. Homicide by motor vehicle or vessel while impaired by alcohol is a felony, punishable by up to three years' imprisonment, a maximum fine of \$5,000, or both. Life-threatening injury by motor vehicle or vessel while under the influence of alcohol or alcohol per se is a misdemeanor, punishable by up to three years' imprisonment, a maximum fine of \$5,000, or both. Life-threatening injury by motor vehicle or vessel while impaired by alcohol is a misdemeanor punishable by up to two years' imprisonment, a maximum fine of \$3,000, or both.

The MVA is required to revoke the license of anyone who is convicted of the homicide crimes. A person who is convicted of the life-threatening injury crimes must be assessed 12 points on the driver's license. The MVA is required to issue a notice of license revocation to anyone who accumulates 12 points within a two-year period. A notice of license revocation must include information about the ignition interlock system and how to qualify for admission into the program.

"Ignition interlock system" is a device that: (1) connects a motor vehicle ignition system to a breath analyzer that measures a driver's blood alcohol level; and (2) prevents a motor vehicle ignition from starting if a driver's blood alcohol level exceeds the calibrated setting on the device.

In addition to any other penalties or any other condition of probation, a court may prohibit a person from operating a motor vehicle that is not equipped with an ignition interlock system for up to three years for commission of either of the following offenses:

- driving while under the influence of alcohol or under the influence of alcohol per se; or
- driving while impaired by alcohol.

If a court imposes the use of an ignition interlock system, the court must require the person to pay the reasonable cost of leasing or buying, monitoring, and maintaining the system.

State Effect: Participants in the ignition interlock program are expected to pay the costs for installation and the monthly maintenance fees. The Division of Parole and Probation in the Department of Public Safety and Correctional Services would be responsible for monitoring participants. The Commission on Sentencing Guidelines advises that about 10 to 15 people are convicted of homicide by motor vehicle offenses annually. While it

is not known how many people are convicted of the life-threatening offenses, the number is expected to be minimal. The MVA should be able to meet administrative requirements regarding the addition and removal of license restrictions with existing resources.

Additional Information

Prior Introductions: A substantially similar bill, HB 674 of 2001, received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Public Safety and Correctional Services (Division of Parole and Probation), Department of Legislative Services

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