

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 345 (Senators Van Hollen and Forehand)
Judicial Proceedings

Judiciary

**Vehicle Laws - Leaving the Scene of an Accident Involving Serious Bodily Injury
or Death - Penalties**

This bill establishes felonies for a person involved in a vehicular accident who leaves the scene of the accident (“hit and run”) and who knew or reasonably should have known that the accident might result in: (1) serious bodily injury to another person, and serious bodily injury actually occurred to another person; and (2) the death of another person, and death actually occurred to another person. The bill also establishes increased maximum terms of imprisonment and fines for hit and run felony convictions for serious bodily injury and death, and provides that the District Court has concurrent jurisdiction with a circuit court relating to such felonies.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues and increase or decrease in general fund expenditures due to the bill’s penalty provisions.

Local Effect: Potential minimal increase in revenues and decrease in expenditures due to the bill’s penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: The bill establishes enhanced penalties, including felony convictions, that together with the existing penalties for hit and run cases, will provide four levels of

penalties for drivers who are involved in accidents and fail to stop and remain at the scene of the accident, as follows:

- retains the current maximum penalties (misdemeanor conviction with a fine of \$3,000 and/or imprisonment for one year) for leaving the scene of an accident resulting in bodily injury;
- retains the current maximum penalties (misdemeanor conviction with a fine of \$5,000 and/or imprisonment for five years) for leaving the scene of an accident resulting in death;
- enhances the maximum penalties for failing to stop and remain at the scene of an accident that might result in serious bodily injury and serious bodily injury actually occurred (felony conviction with a fine of \$5,000 and/or imprisonment for five years); and
- enhances the maximum penalties for failing to stop and remain at the scene of an accident that might result in a death and a death actually occurred (felony conviction with a fine of \$10,000 and/or imprisonment for ten years).

“Serious bodily injury” is defined as an injury that: (a) creates substantial risk of death; (b) causes serious permanent or serious protracted disfigurement; (c) causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or (d) causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

Current Law: The driver of a vehicle involved in an accident that results in a bodily injury or death must stop as close to the scene as possible without obstructing traffic more than necessary.

A driver who leaves the scene of an accident that causes a bodily injury is guilty of a misdemeanor and subject to maximum penalties of one year in prison and/or a \$3,000 fine. A driver who leaves the scene of an accident that causes a death is guilty of a felony and subject to maximum penalties of five years in prison and/or a \$5,000 fine.

Background: The Department of Public Safety and Correctional Services advises that 25 people were imprisoned in 2001 as a result of having violated an offense referenced in the bill. The average length of incarceration was slightly less than 12 months.

State Revenues: As a result of the bill’s creation of the new offense of failing to stop and remain at the scene of an accident resulting in “serious bodily injury,” some cases that would be filed in the District Court of Maryland under current law could instead be filed in circuit court. To the extent that happens, general fund fine revenue could decrease.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's alteration of incarceration penalties due to more people being committed to Division of Correction (DOC) facilities and increased lengths of stay in DOC facilities. The number of people convicted of these crimes is expected to be minimal, and DOC advises it does not expect a significant fiscal impact.

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 \$1,850 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 \$300 per month.

General fund expenditures could also decrease minimally as a result of decreased payments to counties for reimbursement of inmate costs. 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 2003 are estimated to range from \$10 to \$61 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.

The direction or precise amount of the net change in State expenditures resulting from the bill would depend upon specific sentences that are imposed and cannot be determined at this time. Any such net impact is expected to be minimal, however.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could decrease minimally as a result of the bill's alteration of incarceration penalties. 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 \$20 to \$84 per inmate in fiscal 2003.

Additional Information

Prior Introductions: In 2001, substantially similar cross-filed bills were reported unfavorably by the House Judiciary Committee (HB 749), and not reported out by the Senate Judicial Proceedings Committee (SB 612).

Cross File: HB 256 (Delegate Bronrott, *et al.*) – Judiciary.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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