

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 320
Judiciary

(Delegate Menes, *et al.*)

Homicide by Aggressive Driving

This bill provides that a person driving a motor vehicle may not commit two or more specified violations that give rise to a single traffic incident resulting in the death of another person. A person who commits homicide by aggressive driving is guilty of a misdemeanor and is subject to imprisonment in the penitentiary for a maximum of three years, or a fine not exceeding \$5,000, or both. A conviction of homicide by aggressive driving requires the assessment of 12 points against the driver's license.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. It is expected that the Judiciary and the Motor Vehicle Administration (MVA) could handle the bill's changes using existing budgeted resources.

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

Small Business Effect: None.

Analysis

Bill Summary: This bill provides that a person may not commit two or more violations that give rise to a single traffic accident that results in the death of another person. A person may not commit two or more violations of disregarding the following traffic laws:

- obedience to traffic control devices;
- traffic lights with steady indication;

- driving on the right side of the roadway;
- overtaking and passing vehicles;
- one way traffic and rotary traffic islands;
- driving on laned roadways;
- following too closely;
- turning left or making a u-turn;
- pedestrian right-of-way in crosswalks;
- driver's duty to exercise due care to avoid pedestrians;
- u-turn on curve or crest of grade;
- overtaking and passing a school vehicle;
- stop signs and yield signs;
- violations that involve speeding in excess of the posted speed limit by ten miles per hour or more;
- limitations on backing;
- children in the rear of pickup trucks; and
- throwing an object at a bicyclist; opening the door of a motor vehicle.

A "single traffic incident" is an accident that occurs within the same course of conduct and during the continuous operation of a motor vehicle without interruption.

A violation of the bill's provisions is homicide by aggressive driving and is a misdemeanor. A violator is subject to imprisonment in the penitentiary for a maximum of three years, or a fine not exceeding \$5,000, or both. The clerk of court is required to notify the MVA of each person convicted of homicide by aggressive driving. The MVA is required to assess 12 points against the driver's license upon conviction.

The bill provides that a charging document for homicide by aggressive driving need not set forth the manner or means of death and also specifies the information needed to ensure sufficiency of an indictment or other charging document.

Current Law: State law does not contain a separate offense for homicide due to aggressive driving, per se. However, a person is prohibited from committing manslaughter by motor vehicle by causing the death of another as a result of driving, operating, or controlling a motor vehicle in a grossly negligent manner. A person who violates this provision is guilty of a felony and is subject to imprisonment for up to ten years, a fine not exceeding \$5,000, or both.

A person is guilty of reckless driving if the motor vehicle is driven in wanton or willful disregard for the safety of persons or property or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a fine not exceeding \$1,000. The MVA is also required to assess six points

against the driver's license. A person is guilty of negligent driving if the motor vehicle is driven in a careless or imprudent manner that endangers any property or the life or safety of any individual. This violation is a misdemeanor, subject to a maximum fine of \$500. The MVA must assess one point against the driver's license. A person is guilty of aggressive driving if three or more of the following vehicle laws are violated at the same time or during a single and continuous period of driving: (1) traffic lights with steady indication; (2) overtaking and passing vehicles; (3) passing on the right; (4) driving on laned roadways; (5) following too closely; (6) failure to yield the right of way; and (7) exceeding a maximum speed limit or posted maximum speed limit. A violation is a misdemeanor, subject to a maximum fine of \$500. Upon conviction, the MVA must assess five points against the driver's license.

The MVA must revoke the license of a person who has accumulated 12 points.

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 for longer periods of time. The number of people convicted of this proposed crime is expected to be minimal.

Currently, DOC's 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 \$350 per month. Excluding medical care, the average variable costs total \$120 per month.

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

Additional Information

Prior Introductions: This bill is a reintroduction of HB 751 from the 2001 session. HB 751 was referred to Judiciary and received an unfavorable report. A similar bill, HB 417 in the 2000 session, passed the House and Senate, but was not reported out of conference committee.

Cross File: SB 205 (Senator Grosfeld, *et al.*) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2003
ncs/cer

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510