

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 369
Judiciary

(Delegate Frush) (By Request)

Criminal Law - Reckless Endangerment - Use of a Motor Vehicle

This bill provides that a person may not recklessly create a substantial risk of death or serious physical injury to another by driving a motor vehicle through or into any part of a building or structure that is not designed or intended to accommodate motor vehicles if the person knows, or has reason to know, that the building or structure is occupied. A person who commits this offense is guilty of the misdemeanor of reckless endangerment and is subject to imprisonment not exceeding five years, or a fine not exceeding \$5,000, or both.

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 may not recklessly engage in conduct that creates a substantial risk of death or serious physical injury to another, or discharge a firearm from a motor vehicle in a manner that creates substantial risk of death or serious injury to another. The prohibition against engaging in reckless conduct does not apply to the use of a motor

vehicle, which is addressed in the Maryland Vehicle Law. The prohibition also does not apply to the manufacture, production, or sale of a product or commodity.

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 of this provision is a misdemeanor, subject to a fine not exceeding \$1,000.

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 18 months 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 \$350 per month. Excluding medical care, the average variable costs total \$120 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 2004 are estimated to range from \$14 to \$59 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. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC.

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 \$28 to \$84 per inmate in fiscal 2004.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 14, 2003
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