

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 412
Judiciary

(Delegate Smigiel, *et al.*)

Criminal Law – Homicide by Motor Vehicle or Vessel – Penalties

This bill increases the incarceration penalty from five to 10 years for the crime of homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se. The bill also increases the incarceration penalty from three to six years for the crime of homicide by motor vehicle or vessel while impaired by alcohol.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration provisions.

Local Effect: Potential minimal increase in expenditures due to the bill's incarceration provisions.

Small Business Effect: None.

Analysis

Current Law: A person who is convicted of homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se is guilty of a felony and subject to imprisonment not exceeding five years and/or a maximum fine of \$5,000. A person who is convicted of homicide by motor vehicle or vessel while impaired by alcohol is guilty of a felony and is subject to imprisonment not exceeding three years and/or a maximum fine of \$5,000.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. Although the Department of Public Safety and Correctional Services advises that no statistical data is available on the number of alcohol-related homicides by motor vehicle or vessel, the number of people subject to the longer incarceration penalties 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. 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. 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 2005 are estimated to range from \$14 to \$58 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 Expenditures: Expenditures could increase minimally as a result of the bill's 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 \$29 to \$97 per inmate in fiscal 2005.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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