

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 173
Judiciary

(Delegate Menes, *et al.*)

Homicide by Aggressive Driving

This bill creates the offense of homicide by aggressive driving. It provides that a person driving a motor vehicle may not cause the death of another as a result of committing, at the same time or during a single and continuous period of driving, three or more specified violations. A violator is guilty of a misdemeanor and subject to imprisonment for up to three years and/or a fine up to \$5,000. 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. Potential minimal increase in Transportation Trust Fund expenditures for computer programming costs in FY 2005 only. It is expected that the Judiciary could handle the bill's changes using existing budgeted resources.

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

Small Business Effect: None.

Analysis

Bill Summary: This bill provides that a person may not commit three or more violations at the same time or during a single and continuous period of driving, which results in the death of another person. A person may not commit three or more violations of disregarding the following traffic laws:

- traffic lights with steady indication;
- overtaking and passing vehicles;
- passing on the right;
- driving on laned roadways;
- following too closely;
- failure to yield right-of-way; or
- exceeding a maximum speed limit or posted maximum speed limit.

A violation of the bill's provisions is homicide by aggressive driving and is a misdemeanor. A violator is subject to imprisonment for a maximum of three years, or a fine not exceeding \$5,000, or both. The clerk of court is required to notify the Motor Vehicle Administration (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. 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 10 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: The MVA advises that computer programming modifications would be needed to meet the bill's requirements. The changes could result in a one-time expenditure of \$30,000 in special funds. However, the Department of Legislative Services (DLS) advises that if other legislation is passed requiring computer programming changes, economies of scale could be realized. This would reduce computer programming costs associated with this bill and other legislation affecting the MVA system. Further, DLS advises that the increased computer expenditure is an estimate and that the MVA may be able to handle the changes with existing resources.

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. 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.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty 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 \$29 to \$97 per inmate in fiscal 2005.

Additional Information

Prior Introductions: A similar bill, HB 320, was introduced in the 2003 session. This bill was referred to Judiciary, where it received an unfavorable report. In the 2001 session, HB 751 was introduced. HB 751 was referred to Judiciary and received an unfavorable report. Another similar bill, HB 417 in the 2000 session, passed the House and Senate, but was not reported out of conference committee.

Cross File: SB 218 (Senator Grosfeld, *et al.*) – Judicial Proceedings.

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

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