

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 341
Judiciary

(Delegate Cardin, *et al.*)

Criminal Procedure - Restitution - Fire and Rescue Units

This bill authorizes a court to enter a judgment of restitution in addition to criminal penalties against a defendant or a juvenile if a volunteer or paid fire department, volunteer rescue squad, or volunteer ambulance company incurs expenses when responding to a motor vehicle accident.

Fiscal Summary

State Effect: None. The bill would not materially affect judicial operations or expenditures. Any increase in the number of cases filed could be handled with existing resources.

Local Effect: Potential minimal increase in local revenues based on the court's ability to award restitution. Any increase is expected to be minimal.

Small Business Effect: None.

Analysis

Current Law: Under current law, a court may enter a judgment of restitution against a defendant or a juvenile if:

- as a direct result of the crime or delinquent act, the property of the victim is stolen, damaged, destroyed, converted or unlawfully obtained, or its value substantially decreased;

- as a direct result of the crime or delinquent act, the victim suffered actual medical, dental, hospital, counseling, funeral or burial expenses, any other direct out-of-pocket loss, or loss of earnings;
- the victim incurred medical expenses that were paid by the Department of Health and Mental Hygiene (DHMH) or any other governmental unit;
- a governmental unit incurred expenses in removing, towing, transporting, preserving, storing, selling, or destroying an abandoned vehicle;
- the Criminal Justice Compensation Board paid benefits to the victim; or
- DHMH or other governmental unit paid expenses for HIV testing following the prohibited exposure of an individual to the HIV virus.

Background: According to the *2002 Maryland Traffic Safety and Injury Facts Book*, in 2002 there were 104,840 reported traffic accidents in Maryland; 606 were fatal crashes and 38,875 were nonfatal crashes that resulted in injuries. Alcohol or drugs were involved in 23.8% of the fatal crashes in Maryland in 2002. Seventy-seven percent of the intoxicated drivers were determined to be at fault.

Local Revenues: Local revenues could increase minimally based on the local fire and rescue squads' ability to collect restitution from persons determined to be criminally responsible for motor vehicle accidents. Any increase in revenues is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Caroline County, Calvert County, Howard County, Judiciary (Administrative Office of the Courts), Baltimore City, Department of Legislative Services

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mp/jr

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