

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 254 (Senator Green)
Judicial Proceedings

Criminal Law - Homicide by Motor Vehicle - Traveling Twice the Posted Speed Limit

This bill prohibits a person from causing the death of another while driving, controlling, or operating a motor vehicle at twice the maximum posted speed limit or faster. The prohibition applies only to areas where the posted maximum speed limit is at least 40 miles per hour.

A person who violates this provision is guilty of a felony and is subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

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

Small Business Effect: None.

Analysis

Current Law: A person is guilty of manslaughter by vehicle or vessel if the person causes the death of another by driving, operating, or controlling a motor vehicle or vessel in a grossly negligent manner. This offense is a felony, with a penalty of imprisonment for up to 10 years and/or a maximum fine of \$5,000.

A person who causes the death of another by negligently driving, operating, or controlling a motor vehicle or vessel while under the influence of alcohol, under the influence of alcohol per se, impaired by alcohol, impaired by drugs or drugs and alcohol, or while impaired by a controlled dangerous substance is guilty of the felony of homicide by motor vehicle or vessel while impaired or under the influence. Penalties range from a maximum of three years imprisonment and/or a fine of \$5,000, to a maximum of five years imprisonment and/or a fine of \$5,000.

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 \$1,974 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 \$341 per month. Excluding medical care, the average variable costs total \$134 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 2007 are estimated to range from \$17 to \$65 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 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 \$33 to \$119 per inmate in fiscal 2007.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 3, 2006
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