

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 408
Judiciary

(Delegate Niemann)

Crimes - Driver Causing Damage After Refusal to Obey Law Enforcement
Officer's Signal to Stop - Penalties

This bill prohibits a driver from causing a collision or accident that results in injury or property damage to a driver or another person after willfully failing or refusing to obey an officer's signal to stop and establishes penalties. The bill also establishes the concurrent jurisdiction of the District Court over this felony.

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

Bill Summary: A driver of a motor vehicle is prohibited from causing a collision or accident that results in injury to the driver or another person, or over \$300 in damages to the property of the driver or another person after willfully failing or refusing to obey a law enforcement officer's visual or audible signal that directs the driver to stop.

A person who commits this offense is guilty of a felony and is subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000. In addition, a court may require a person who commits this offense to make restitution. A sentence may be separate from

and consecutive to, or concurrent with, a sentence for any crime based on the act or acts that led to the violation. A person who violates this bill may be prosecuted, indicted, tried, and convicted in any county in or through which the motor vehicle traveled after the driver's refusal or failure to stop.

Current Law: The Maryland Vehicle Law prohibits any person from willfully disobeying any lawful order or direction from any police officer. A violation of this provision is a misdemeanor with a maximum fine of \$500. The current District Court fine is \$280, and one point must be assessed against the driver's license for this offense.

A visual or audible signal includes a signal by hand, voice, emergency light, or siren. If a police officer gives an audible or visual signal to stop and the police officer is in uniform, prominently displaying a badge or other insignia, the vehicle driver may not attempt to elude the police officer by willfully failing to stop the vehicle, fleeing on foot, or any other means. If a police officer gives an audible or visual signal to stop and the officer is in an appropriately marked official police vehicle, whether or not the officer is in uniform, the vehicle driver may not attempt to elude the officer by willfully failing to stop the vehicle, fleeing on foot, or any other means. A person who is convicted of fleeing or eluding police is guilty of a misdemeanor and is subject to imprisonment for up to one year and/or a maximum fine of \$1,000. For any subsequent offense, a person is subject to imprisonment for up to two years and/or a maximum fine of \$1,000.

A vehicle driver is also prohibited from attempting to elude a police officer by willfully failing to stop the vehicle such that it results in the bodily injury or death to another person. A person who causes bodily injury in this manner is subject to imprisonment for up to three years and/or a maximum fine of \$5,000. A person who causes death to another person after fleeing or eluding police is guilty of a misdemeanor and is subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000.

All of the above-mentioned offenses require a court appearance, and the Motor Vehicle Administration is required to assess 12 points against the driver's license, which subjects the driver to license revocation.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions 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.

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), Department of Public Safety and Correctional Services, Department of Legislative Services

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nas/ljm

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