

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 754

(Senator Muse)

Judicial Proceedings

Judiciary

Vehicle Laws - Eluding a Police Officer - Crimes of Violence

This bill creates a new misdemeanor and establishes penalties for the willful failure to stop a motor vehicle after an audible or visual signal to do so is given by a police officer and the driver attempts to elude the officer who signaled the driver to stop so as to apprehend the driver for the commission of a “crime of violence” for which the driver is subsequently convicted. A violator is subject to maximum penalties of imprisonment for three years and/or a fine of \$5,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

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

Small Business Effect: None.

Analysis

Current Law: 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 maximum penalties of imprisonment for one year and/or a fine of \$1,000. For any subsequent offense, a person is subject to maximum penalties of imprisonment for two years and/or a 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 to or death of 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 the death of another person after fleeing or eluding police is guilty of a misdemeanor and is subject to maximum penalties of imprisonment for 10 years and/or a 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.

A "crime of violence" means abduction, arson, kidnapping, manslaughter (except involuntary manslaughter), mayhem, maiming, murder, rape, robbery, carjacking, armed carjacking, sexual offense in the first and second degrees, the use of a handgun in a felony or violent crime, child abuse in the first degree, the attempt to commit any of the aforementioned offenses, and specified assault offenses.

State Effect:

Judiciary: General fund revenues could increase minimally as a result of the bill's monetary penalty from cases heard in the District Court.

General fund expenditures could increase minimally as a result of the bill's incarceration penalties 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 the misdemeanor under this bill is expected to be minimal.

Department of Public Safety and Correctional Services: 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 \$2,300 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 \$465 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 2008 are estimated to range from \$21 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 Fiscal Effect: 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 \$42 to \$120 per inmate in fiscal 2008.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 1073 of 2006, which received no further action after being heard by the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Caroline County, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

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