

Department of Legislative Services  
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 273  
Judicial Proceedings

(Senator Brochin, *et al.*)

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**Vehicle Laws - Leaving the Scene of an Accident Resulting in Death - Penalty**

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This bill increases the maximum term of imprisonment from 10 years to 20 years for a driver who violates the requirement to stop or return to and remain at the scene of an accident that results in the death of another and who knew or reasonably should have known that the accident might result in the death of another.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund expenditures due to the bill's incarceration provision.

**Local Effect:** The bill is not expected to materially affect local operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The driver of each vehicle involved in an accident that results in the death of another person must immediately stop the vehicle as close as possible to the accident scene, without obstructing traffic more than necessary. For an accident resulting in bodily injury, death, or damage to an attended vehicle or other attended property, the driver must give identifying and other information as specified and exhibit the driver's license. If a police officer is not present and none of the other people involved in the accident can receive the information, then after remaining on the scene of the accident and rendering reasonable aid to those injured or requiring assistance, the driver must report the accident to the nearest authorized police station and give the necessary information to the police.

A person who violates the requirement to stop or return to and remain at an accident scene resulting in death is guilty of a misdemeanor and is subject to maximum penalties

of five years imprisonment and/or a \$5,000 fine. No prepayment penalty can be paid for this offense. The accused must appear in District Court to address this charge. The Motor Vehicle Administration must assess 12 points on the driver's license of any person convicted of this offense and issue a notice of license revocation. A driver who accumulates 12 points on the driver's license within a two-year period is subject to license revocation.

The criminal penalties are enhanced if a driver fails to stop or return to and remain at the scene of an accident resulting in the death of another and the driver knew, or should reasonably have known, that the accident might result in death. The violator is then guilty of a felony and is subject to maximum penalties of 10 years imprisonment and/or a fine of \$10,000.

**State Expenditures:** General fund expenditures increase minimally as a result of the bill's incarceration penalties due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of additional people convicted of the existing offenses and new people subject to the enhanced penalties in this bill are 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 \$2,750 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 variable medical care and variable operating costs) is \$409 per month. Excluding all medical care, the average variable costs total \$182 per month.

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. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the Division of Correction but are confined in a local facility. The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, State's Attorneys' Association, Maryland Department of Transportation, Department of Legislative Services

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