

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 1021 (Senator Raskin)
Judicial Proceedings

Criminal Law - Manslaughter - Penalty

This bill repeals a penalty for manslaughter that subjects a person to imprisonment in a local correctional facility for up to two years and/or a maximum fine of \$500. The bill retains the other statutory penalty for manslaughter of imprisonment for up to 10 years.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures if the bill increases the number of incarcerations in State correctional facilities. Revenues are not affected.

Local Effect: Potential minimal decrease in local revenues from fines imposed in the circuit courts. Potential minimal decrease in local incarceration expenditures if the bill transfers inmates to State correctional facilities.

Small Business Effect: None.

Analysis

Current Law: Manslaughter is a common law offense. The meanings accorded to involuntary and voluntary manslaughter are judicially determined and based on case law. Manslaughter is distinguished from murder by the absence of malice aforethought, express or implied. The absence of intention to kill or to commit any unlawful act which might reasonably produce death or great bodily harm is generally the distinguishing factor between voluntary and involuntary manslaughter. A person who commits manslaughter is guilty of a felony and subject to maximum penalties of (1) imprisonment for 10 years; or (2) imprisonment in a local correctional facility for 2 years and/or a fine of \$500.

Background: In fiscal 2011, the Division of Correction (DOC) conducted intake on 26 inmates for whom manslaughter was their most serious offense. According to DOC, the average total sentence for these inmates (including sentences for other offenses) was 124 months. According to the Maryland Sentencing Guidelines database, 42 individuals were sentenced in the circuit courts for manslaughter during fiscal 2011. Of these 42 individuals, 1 was sentenced to a 24-month period of incarceration. The database cannot verify whether that sentence was to be served at a local or State correctional facility. Frederick County advises that during calendar 2011, only one individual was housed in its correctional facility for manslaughter.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. 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.

Local Revenues: Frederick County advises that, according to research on past fines conducted by its circuit court, the maximum loss of fine revenue as a result of the bill would be \$2,000 per fiscal year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Frederick counties; Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

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mlm/kdm

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