

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1334

(Delegates McDermott and Cluster)

Judiciary

Judicial Proceedings

**Life-Threatening Injury by Motor Vehicle or Vessel While Impaired by a
Controlled Dangerous Substance - Penalty (Ava's Law)**

This bill increases the maximum penalties for the offense of causing life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance from a fine of \$3,000 and/or two years imprisonment to a fine of \$5,000 and/or three years imprisonment.

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 revenues due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: "Life-threatening injury" is not defined in statute.

A "motor vehicle" is a vehicle that is self-propelled or propelled by electric power obtained from overhead electrical wires and is not operated on rails. A motor vehicle includes a low-speed vehicle but does not include a moped or motor scooter. Under the Criminal Law Article, a "vessel" is any watercraft that is used or capable of being used as a means of transportation on water or ice but does not include a seaplane.

A person may not cause a life-threatening injury to another person as a result of negligently driving, operating, or controlling a motor vehicle or vessel while impaired by

a controlled dangerous substance that the person is not entitled to use under State law. A person who is convicted of this offense is guilty of a misdemeanor and is subject to maximum penalties of a fine of \$3,000 and/or two years imprisonment.

A person who is in a motor vehicle accident that results in death or life-threatening injury to another person must be required to submit to a test if detained by an officer who has reasonable grounds to believe the person committed an alcohol and/or drug-related driving offense. The Motor Vehicle Administration must assess 12 points against the license of a person who is convicted of causing a life-threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes, and the license is subject to revocation.

State Revenues: General fund revenues may increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures may increase minimally as a result of the bill's incarceration penalties due to people being committed to Division of Correction facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people sentenced to longer incarceration terms under this bill's provisions is expected to be minimal. The Maryland Commission on Criminal Sentencing Policy reports that there were no convictions in the circuit courts for this offense in fiscal 2010 and 2011. In fiscal 2009, there were two convictions of life-threatening injury while impaired by a controlled dangerous substance.

Local Revenues: Revenues increase may increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts. As noted above, there were no convictions in the circuit courts for this offense in fiscal 2010 and 2011. In fiscal 2009, there were two convictions of life-threatening injury while impaired by a controlled dangerous substance.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 944 (Senator Jacobs - Judicial Proceedings) is not identical.

Information Source(s): Baltimore City, Montgomery and Talbot counties, Judiciary (Administrative Office of the Courts), Office of Public Defender, Department of State Police, Department of Public Safety and Correctional Services, Maryland Commission on Criminal Sentencing Policy, Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2012
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