

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 26

(Senator Bailey)

Judicial Proceedings

Judiciary

Criminal Law - Manslaughter by Vehicle or Vessel - Increased Penalties
(Jamari's Law)

This bill increases the maximum incarceration penalties for manslaughter by vehicle or vessel (gross negligence) from 10 years to 20 years for a first conviction and from 15 years to 30 years for a subsequent conviction.

Fiscal Summary

State Effect: Potential minimal increase in general fund incarceration expenditures, due to the bill's changes to existing penalties, as discussed below. Revenues are not affected.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Manslaughter by vehicle or vessel (gross negligence) is a felony, generally punishable by imprisonment for up to 10 years and/or a fine of up to \$5,000. However, a maximum penalty of imprisonment for up to 15 years and/or a fine of up to \$10,000 applies to a person who has previously been convicted of manslaughter by vehicle or vessel (gross negligence); manslaughter by vehicle or vessel (criminal negligence); homicide by motor vehicle or vessel while under the influence or impaired by alcohol, drugs, or a controlled dangerous substance (CDS); life-threatening injury by motor vehicle or vessel while under the influence or impaired by alcohol, drugs, or a CDS; or drunk or drugged driving under § 21-902 of the Transportation Article.

State Expenditures: While the bill increases the maximum incarceration penalties for manslaughter by vehicle or vessel (gross negligence), in view of current sentencing practices, lengthier sentences imposed under the bill are likely to be within the current statutory maximum penalties. Given the number of individuals sentenced for this offense, any potential corresponding increase in general fund expenditures for the Department of Public Safety and Correctional Services (DPSCS) is anticipated to be minimal. Further, any increase in State incarceration expenditures for individuals who receive sentences above the current maximum penalties as a result of the bill are not incurred until beyond the five-year scope of this fiscal and policy note.

DPSCS advises that, during fiscal 2023, it received 30 incarcerated individuals with one or more convictions for manslaughter by vehicle or vessel (gross negligence). According to DPSCS, 25 of the first-time offenders received less than the current maximum penalty (with an average sentence of slightly less than 5 years), 4 first-time offenders received the maximum penalty, and 1 subsequent offender received a 14-year sentence.

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) advises that it received information on 41 individuals sentenced to 42 counts for a first-time commission of manslaughter by vehicle or vessel (gross negligence) in the circuit courts during fiscal 2023. According to MSCCSP, another 3 individuals were sentenced to 3 counts for a second or subsequent commission of this offense. Information is not readily available on convictions for manslaughter by vehicle or vessel (gross negligence) in the District Court. The District Court has concurrent jurisdiction with the circuit courts for manslaughter by vehicle or vessel (gross negligence).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, see HB 967 and SB 914 of 2022.

Designated Cross File: HB 264 (Delegate Crosby) - Judiciary.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Natural Resources; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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