

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 364

(Senator Bailey)

Judicial Proceedings

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 finances or operations.

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 2024, it received 23 incarcerated individuals with a total of 26 convictions for manslaughter by vehicle or vessel (gross negligence). The data did not clearly distinguish between first-time and subsequent offenders. The average sentence length for the 26 convictions was 5.7 years.

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) advises that it received information on 29 individuals sentenced to 42 counts for a first-time commission of manslaughter by vehicle or vessel (gross negligence) in the circuit courts during fiscal 2024. According to MSCCSP, another 6 individuals were sentenced to 6 counts for a second or subsequent commission of this offense. The Judiciary advises that, in fiscal 2024, there were 14 violations (charges) and 0 guilty dispositions (convictions) for manslaughter by vehicle or vessel (gross negligence) in the District Court. In fiscal 2023, there were 17 violations and 0 guilty dispositions. The District Court has concurrent jurisdiction with the circuit courts over this offense.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 26 and HB 264 of 2024.

Designated Cross File: HB 977 (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; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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