

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 240 (Delegates M. Burns and Harkins)
Judiciary

Referred to Judicial Proceedings

Controlled Dangerous Substances - Marijuana - Penalties

This amended bill makes it a separate offense for a person to bring into the State more than five kilograms (11 pounds) of marijuana, but less than 45 kilograms (99 pounds). Upon conviction, violators are guilty of a felony and subject to a fine of up to \$10,000 and/or imprisonment for up to ten years. The bill also alters current law by changing the amount of marijuana from 100 pounds to 45 kilograms (99 pounds) necessary to charge a person with felony possession. Upon conviction, these violators are subject to the applicable felony penalties (fine of up to \$50,000 and/or imprisonment for up to 25 years).

This bill is applied prospectively.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures due to the bill's penalty provisions. Revenues would not be affected.

Local Effect: Potential increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None. The bill would not directly affect small businesses.

Fiscal Analysis

State Expenditures: In fiscal 1996, 643 people were convicted of misdemeanor possession of marijuana. Thirty-eight offenders were incarcerated for possession of marijuana. Currently, most possession offenders are placed on probation as opposed to being incarcerated. It is unknown how many of those individuals were arrested while transporting marijuana into the State. By establishing a separate offense to address the individuals who bring less than 45 kilograms of marijuana into the State, general fund expenditures could increase as a result of more people being committed to a Division of Correction (DOC)

facility for longer periods of time and increased payments to counties for reimbursement of inmate costs. This assumes a change in sentencing patterns for the felony possession offenders to include significant terms of imprisonment.

Persons serving a sentence longer than 12 months are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1998 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998 is estimated at \$43 per inmate.]

Under current law, an individual who brings 100 pounds or greater of marijuana into the State is guilty of a felony. Changing the amount of marijuana from 100 pounds to 45 kilograms (99 pounds) to convict an individual of bringing marijuana into the State, does not represent a significant change from current law.

Local Revenues: Revenues could increase under the bill's monetary penalty provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83 per inmate in fiscal 1998. As the number of commitments was relatively low in fiscal 1996, it is assumed that this bill would not significantly impact local expenditures.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of State Police, Department of Fiscal Services

Fiscal Note History: First Reader - January 31, 1997
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