

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1040 (Delegate Doory and Genn) (Committee to Revise Article 27)
Judiciary

Crimes - Possession of Marijuana - District Court Offense

This bill gives the District Court exclusive original jurisdiction in marijuana possession cases where the amount of marijuana is seven grams or less. Violators are subject to a fine of up to \$500, 90 days in jail, or both.

Fiscal Summary

State Effect: Indeterminate increase in general fund revenues; indeterminate decrease in Victims of Crime Fund revenue; and potential minimal decrease in general fund expenditures.

Local Effect: Indeterminate decrease in revenues and expenditures.

Fiscal Analysis

Background: Under current law, violators are subject to a fine of up to \$1,000, one year in jail, or both.

State Revenues: The District Court estimates this bill could produce an additional 4,200 District Court cases statewide. Transfer of cases from the circuit courts to the District Court means the fines go to the State general fund instead of to the counties.

In addition, State general funds could increase by \$42,000 due to court costs assessed to defendants in the District Court. The State receives \$10 more from District Court filing fees than from circuit court filing fees.

The Victims of Crime Fund could lose \$42,000 annually as it receives \$10 less from court costs assessed in District Court cases than it receives in circuit court cases.

State Expenditures: To the extent that violators are sentenced to more than 90 days incarceration under existing law, general fund expenditures could be reduced. Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of the per diem rate after a person has served 90 days. State per diem reimbursements are estimated to range from \$10 to \$48 per inmate, depending upon the jurisdiction. In addition the State operates the Baltimore City Detention Center (BCDC). To the extent that people sentenced to the BCDC under current law would receive shorter sentences, general fund expenditures could decrease. Per diem operating costs for the BCDC are \$43 per inmate.

Enactment of this bill, by itself, would not sufficiently increase the caseload of the District Court such that additional resources would be necessary.

Local Revenue: Transfer of cases from the circuit courts to the District Court means the fines go to the State general fund instead of to the counties. Any such decrease cannot be reliably estimated at this time.

In addition, local governments could lose an indeterminate amount in appearance fees and court costs. In most jurisdictions attorneys are charged \$10 to represent a client, most of which goes to local law libraries. In addition, 95% of court costs assessed by the circuit courts go to the local jurisdictions. The maximum loss would be \$360,000 annually, assuming 4,200 defendants were represented by private counsel, convicted, and paid all court costs.

Local Expenditures: To the extent that people sentenced to local detention centers under current law would receive shorter sentences under this bill, local expenditures could decrease. Counties pay the full cost of incarceration for sentences up to 90 days. Per diem operating costs of local detention facilities are expected to range from \$19 to \$96 per inmate in fiscal 1997.

Information Source(s): Judiciary (District Court of Maryland), Office of the State Prosecutor, Department of Fiscal Services

Fiscal Note History: First Reader - February 22, 1996

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