

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

Senate Bill 120 (Chairman, Judicial Proceedings Committee)  
(Departmental - State Police)

Judicial Proceedings

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**Crimes - Inhalants - Nitrous Oxide**

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This emergency departmental bill prohibits inhalation of nitrous oxide for recreational purposes. The bill also expands other offenses relating to drugs, noxious substances, and chemicals by prohibiting distribution to adults, possessing with intent to distribute to adults, or instructing adults on how to illegally inhale them.

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**Fiscal Summary**

**State Effect:** Potential indeterminate increase in general fund revenues and expenditures due to the bill's penalty provisions.

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

**Small Business Effect:** A small business impact statement was not provided by the Department of State Police in time for inclusion in this fiscal note. A revised fiscal note will be issued when the department's assessment becomes available.

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**Fiscal Analysis**

**State Revenues:** General fund revenues could increase under the applicable monetary penalty provisions for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

**State Expenditures:** General fund expenditures could increase as a result of the applicable incarceration penalties due to more people being committed to a Division of Correction (DOC) facility and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed. Persons serving a sentence longer than 12 months are incarcerated in a DOC facility. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400.

Persons serving a sentence of 12 months 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 1997 are estimated to range from \$11 to \$50 per inmate depending upon the jurisdiction. In addition, the state operates the Baltimore City Detention Center which has an average daily operating cost of \$43 per inmate.

**Local Revenues:** Revenues could increase under the applicable monetary penalty provisions 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 applicable incarceration penalties 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 \$22 to \$108 per inmate in fiscal 1997.

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**Information Source(s):** Department of State Police; Department of Fiscal Services

**Fiscal Note History:** First Reader - January 10, 1996

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