

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1281 (Delegate Slade)
Judiciary

**Controlled Dangerous Substances - Manufacture or Distribution -
Drug-Free Zones**

This bill provides that a person is guilty of a felony if convicted of manufacturing, distributing, dispensing, or possessing with intent to distribute a controlled dangerous substance within 1,000 feet of an establishment licensed to sell alcoholic beverages.

First time offenders are subject to the applicable penalty provisions for a drug-free zone (imprisonment for not more than 20 years, or a fine of not more than \$20,000, or both.) Second and subsequent violators are subject to a mandatory minimum incarceration penalty of five years which may not be suspended or paroled, or a fine of not more than \$40,000, or both.

Fiscal Summary

State Effect: Indeterminate, but potentially significant increase in general fund expenditures due to the applicable penalty provisions. No effect on revenues.

Local Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of applicable incarceration penalties due to more people being committed to a Division of Correction (DOC) facility for longer periods of time, depending upon the number of convictions and sentences imposed. Currently, a person convicted of the manufacture or distribution of a controlled dangerous substance is subject to fines up to \$25,000 and maximum incarceration penalties ranging from not more than five years to not more than 20 years, depending upon the type of substance recovered. Persons serving a sentence longer than one year are

incarcerated in a DOC facility. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400.

For illustrative purposes, under the bill's maximum incarceration penalty for a first offense, the average time served could be increased from 30 to 120 months, assuming that parole is granted after 50% of the sentence is served. Under this example, incarceration costs would increase by \$126,000 for each person imprisoned.

In fiscal 1995, over 2,000 persons were committed to the DOC for drug distribution. It is unknown how many of these crimes occurred near an establishment licensed to sell alcoholic beverages. Fiscal Services has no data with which to determine how many additional prosecutions and commitments could result from this bill.

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

Fiscal Note History: First Reader - February 27, 1996

ncs

Analysis by: Lori Caldwell-Valentine

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710