

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 872 (Delegate Ports, et al.)
Judiciary

Controlled Dangerous Substances - Minors - Mandatory Penalties

This bill establishes a mandatory minimum sentence of not less than 10 years for individuals convicted of using a minor to commit controlled dangerous substance offenses. The mandatory minimum sentence may not be suspended; however, violators are eligible for parole after serving five years.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures as a result of the bill's incarceration penalty provision. Revenues would not be affected.

Local Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the bill's 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.

Current law has a maximum incarceration penalty of 20 years. 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. The average sentence length for drug offenses is 36 months under current law. Assuming that inmates receive parole after serving 50% of their sentences, this provision represents an additional 42 months of incarceration, if parole is granted after five years. Accordingly, State expenditures could increase by \$58,800 for each person imprisoned under this bill.

In fiscal 1995 approximately 2,273 people were committed to a DOC facility for a drug-

related offense. Additionally, over 3,500 were taken into the Division of Parole and Probation. It cannot be determined how many of these offenses involved minors. The mandatory 10-year sentence would apply to some of those violators which could create a significant increase in the DOC inmate population.

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

Fiscal Note History: First Reader - February 21, 1996

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Analysis by: Lori Caldwell-Valentine

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710