

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 175 (Senator Haines)
Judicial Proceedings

Controlled Dangerous Substances - Marijuana - Penalties

This bill reduces, from 100 pounds to 10 pounds, the minimum amount of marijuana necessary to charge a person with felony possession. Upon conviction, violators are subject to the applicable felony penalties (fine of up to \$50,000 and/or imprisonment for up to 25 years).

Fiscal Summary

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

Local Effect: Potential increase in revenues and expenditures due to applicable penalty provisions.

Fiscal Analysis

State Expenditures: In fiscal 1995, 532 people were charged with misdemeanor possession of marijuana. Eleven offenders were incarcerated for possession of marijuana and only eight offenders were incarcerated for the felony, distribution of marijuana. Currently, most possession offenders are placed on probation as opposed to being incarcerated. By lowering the threshold for felony possession of marijuana to 10 pounds, 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 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. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1997 is estimated at \$43 per inmate.

Local Revenues: Revenues could increase under the applicable 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 applicable 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 \$22 to \$108 per inmate in fiscal 1997. As the number of commitments was relatively low in fiscal 1995, 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), Judiciary (District Court), Department of Fiscal Services

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