

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 72 (Senator Haines)
Judicial Proceedings

Referred to Judiciary

Possession of Marijuana - Penalties

This amended bill increases the maximum monetary penalty from \$1,000 to \$10,000 for unlawful use or possession of marijuana. The applicable incarceration penalty (imprisonment for not more than one year) remains the same.

For a second or subsequent offense, the maximum penalties increase from a fine of not more than \$2,000 and/or imprisonment for not more than two years to a fine of not more than \$25,000 and/or imprisonment for not more than four years.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures due to the bill's penalty provisions. Potential minimal increase in general fund revenues.

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

Small Business Effect: None. This bill would not directly affect small businesses.

Fiscal Analysis

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

State Expenditures: In fiscal 1996, 643 people were convicted of possession of marijuana. Thirty-eight offenders were incarcerated for possession of marijuana. Currently, most possession offenders are placed on probation, as opposed to being incarcerated. This bill could increase the prosecutions for possession of marijuana, thereby potentially increasing general fund expenditures 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.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,400. Current law has a maximum incarceration penalty of one year. Assuming that an inmate receives parole after serving 50% of their sentence, the average time served would increase from six months to 24 months. Thus, State costs could increase by \$25,200 for each person incarcerated under this bill.

Persons serving a sentence of one year 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 1998 are estimated to range from \$12 to \$42 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 1998 is estimated at \$43 per inmate.

Local Revenues: Revenues could increase under the bill's 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 bill's 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 \$23 to \$83 per inmate in fiscal 1998.

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

Fiscal Note History: First Reader - January 14, 1997

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