

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 304 (Delegate Menes)
Judiciary

Controlled Dangerous Substances - Flunitrazepam - Schedule

This bill changes Flunitrazepam (the “date rape” drug) from a Schedule IV controlled dangerous substance to a Schedule I controlled dangerous substance. As a Schedule I controlled dangerous substance, violators are subject to a fine of up to \$25,000 and/or imprisonment for up to 20 years. The maximum sentence for a three-time offender is a nonparoleable mandatory minimum of 40 years that cannot be suspended. Persons convicted of a Schedule IV controlled dangerous substance are subject to a fine of up to \$15,000 and/or imprisonment for up to five years.

Fiscal Summary

State Effect: Potential indeterminate increase in general fund expenditures due to the bill’s penalty provisions. Revenues would not be affected.

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

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

Fiscal Analysis

State Expenditures: General fund expenditures could increase as a result of the applicable incarceration penalty 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.

In fiscal 1996, 6,519 persons were convicted of possession of a controlled dangerous

substance, of whom 1,442 were incarcerated. Additionally, 462 people were incarcerated for distribution of a controlled dangerous substance. Fiscal Services has no data with which to determine how many of the convictions for controlled dangerous substances involved Flunitrazepam, but it is assumed to be minimal.

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 \$1,500. The applicable maximum incarceration penalty for a first offense, as a result of the bill's provisions, would increase the average time served from 30 to 120 months (50% of the maximum sentence with the possibility of parole), or by 90 months. Thus State costs could increase by \$135,000 ($\$1,500 \times 90$) for each person imprisoned under the bill for a first offense beginning in fiscal 2000.

Under the applicable maximum sentence for a three-time offender, a person would be subject to a mandatory minimum sentence of 480 months (40 years), 450 months longer than under current provisions. State costs could increase for subsequent offenses by \$675,000 for each person imprisoned under the 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 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 \$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

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