

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1225 (Delegate Tavior. *et al.*)

Judiciary

Drug Free Zone - State Forests and Parks

This bill makes it a felony to manufacture, dispense, distribute, or possess with the intent to distribute controlled dangerous substances on property owned by the State and managed by the Department of Natural Resources (DNR). Violators are subject to imprisonment of up to 20 years and/or a fine of up to \$20,000 for a first offense and imprisonment of between 5 and 40 years and/or a fine of up to \$40,000 for each subsequent offense. The bill also requires the court to impose a mandatory five-year minimum sentence for violations of this provision.

Persons who unlawfully possess a controlled dangerous substance on property owned by the State and managed by DNR are guilty of a misdemeanor and are subject to imprisonment of up to two years and/or a fine of up to \$2,000 if the offense involves the possession of marijuana. Possession of other controlled hazardous substances will result in imprisonment of up to eight years and/or a fine of up to \$50,000.

Any sentence imposed under the bill will be served consecutively to any other sentence imposed, and any conviction may not merge with a conviction for a related offense.

The bill also provides that DNR may establish regulations requiring the posting of signs designating property owned by the State and managed by DNR as “Drug Free Zones.”

Fiscal Summary

State Effect: Potential significant increase in general fund revenues and expenditures due to the bill’s penalty provisions. The extent to which mandatory consecutive sentencing and the prohibition against merging convictions could increase actual sentences cannot be reliably estimated.

Local Effect: Potential significant increase in revenues and expenditures due to the bill’s

penalty provisions.

Small Business Effect: None.

Fiscal Analysis

Background: The Department of Natural Resources reports 273 drug arrests on State forest and park property in 1997.

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

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 the five-year mandatory minimum sentence and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500.

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 1999 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1999. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.]

DNR advises that it would place approximately 100 signs at a cost of \$20 each. Enforcement could be handled with DNR's existing resources.

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 \$84 per inmate in fiscal 1999.

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

Fiscal Note History: First Reader - March 12, 1998

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