

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1218 (Delegate O'Donnell)

Judiciary

Crimes - Drug Paraphernalia - Cigarette Rolling Papers

This bill adds cigarette rolling papers to the definition of drug paraphernalia for the purpose of prohibitions on the use, possession, delivery, sale, manufacture, or advertisement of drug paraphernalia.

Fiscal Summary

State Effect: Indeterminate increase in general fund revenues and expenditures due to the applicable penalty provisions.

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

Small Business Effect: Minimal impact on small businesses.

Fiscal Analysis

Background: Any person using or possessing with intent to use, delivering or selling, or possessing with the intent to deliver or sell drug paraphernalia is guilty of a misdemeanor and may not be fined more than \$500 upon conviction for a first offense. A person convicted of a subsequent violation may be imprisoned for no more than two years, fined no more than \$2,000, or both. These same penalties may be assessed on an individual convicted for unlawful advertisements promoting the sale or delivery of drug paraphernalia. Any person 18 or older who delivers drug paraphernalia to a minor at least three years his/her junior is guilty of a separate offense and may be imprisoned for not more than eight years, fined no more than \$15,000, or both.

State Revenues: General fund revenues could increase under the applicable 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 applicable incarceration penalty due to more people being committed to a Division of Correction (DOC) facility 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.

Local Revenues: Revenues could increase under the applicable 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 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 \$84 per inmate in fiscal 1999.

Information Sources: Judiciary (Administrative Office of the Courts), Comptroller of the Treasury (Alcohol and Tobacco Tax Unit), Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

Fiscal Note History: First Reader - March 13, 1998

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Analysis by: Ryan Bishop

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710