

**Department of Legislative Services**  
Maryland General Assembly  
1999 Session

**FISCAL NOTE**

House Bill 470 (Delegate Menes)

Judiciary

---

**Controlled Dangerous Substances - Sentencing - Enhanced Penalties for Subsequent Offenders**

---

This bill requires that current law penalty provisions applicable to the manufacture, distribution, or possession of specified controlled dangerous substances offenses may not be construed to prohibit a court from imposing an enhanced penalty. The bill also prohibits these provisions from being construed to prohibit or limit any prosecution for any other criminal offense.

Under current law, these offenses are felonies and subject violators to a mandatory minimum sentence of five years.

---

**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's provision to allow additional enhanced penalties.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's provision to allow additional enhanced penalties.

**Small Business Effect:** None.

---

## **Fiscal Analysis**

**Bill Summary:** Under current law, second and subsequent criminal violations of these controlled dangerous provisions subject persons to double the maximum penalty for the particular offense unless the sentence provision contains a mandatory minimum sentence. This bill would allow doubled sentencing regardless of the applicable mandatory minimum sentencing provision.

**State Revenues:** General fund revenues could increase minimally as a result of the applicable enhanced monetary penalty provisions from cases heard in the District Court.

**State Expenditures:** General fund expenditures could increase minimally as a result of the applicable enhanced incarceration penalties due to people being committed to Division of Correction (DOC) facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. While it is unknown how often, and for which offenses, these enhanced penalties might be sought or meted out, the number of people actually subjected to doubled penalties is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions.

**Local Revenues:** Revenues could increase minimally as a result of the applicable enhanced monetary penalty provisions from cases heard in the circuit courts.

**Local Expenditures:** Expenditures could increase minimally as a result of the applicable enhanced incarceration penalties. 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 \$15 to \$80 per inmate in fiscal 2000.

---

**Information Source(s):** Department of Public Safety and Correctional Services (Division

of Correction), Department of Legislative Services

**Fiscal Note History:**

First Reader - March 7, 1999

ncs/jr

---

Analysis by: Guy G. Cherry

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 946-5510

(301) 970-5510