

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 1111 (Delegate C. Davis)

Judiciary

Controlled Dangerous Substances - Use of Minors - Enhanced Penalties

This bill subjects a person convicted for second or subsequent time of using a minor to commit specified controlled dangerous substances felony offenses to a mandatory minimum sentence of 25 years, which may not be suspended. A person sentenced under these provisions is not eligible for parole, and must serve the enhanced sentence consecutive to any other sentences imposed.

Under current law, such offenders are subject to maximum penalties of a fine of \$20,000 and/or imprisonment for 20 years regardless of whether it is a first or subsequent offense.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

State Expenditures: General fund expenditures could increase minimally as a result of the bill's increased incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted and sentenced under this mandatory minimum provision 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. For illustrative purposes, under the current law incarceration penalty the average time served would be 144 months. Under this bill's mandatory minimum penalty the actual time served would be 300 months. Assuming the variable inmate costs of \$275 per month, State costs could increase by \$42,900 for each person imprisoned under the bill beginning at some point in the future.

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

Fiscal Note History: First Reader - March 17, 1999
dmm/jr

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