

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 602 (Carroll County Delegation)

Judiciary

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**Criminal Law - Carroll County - Unlawful Distribution - Heroin**

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This bill makes it unlawful, in Carroll County only, for persons at least 18 years old to willfully and knowingly distribute (or enter into a common scheme or design to distribute) to persons under 18, a material, compound, mixture, preparation, or substance that contains any detectable amount of heroin. Violators are guilty of a felony and subject to the following mandatory incarceration penalties, which may not be suspended: (1) for a first offense, five years; and (2) for a subsequent offense, 20 years without the possibility of parole. The bill prohibits probation before judgment or parole (except for persons confined at the Patuxent Institution) for such violations.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provisions.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Heroin is a narcotic drug, and has been a Schedule I controlled dangerous substance under both State and federal drug prohibitions since 1970. Schedule I drugs are considered to have the highest potential for abuse and offenses involving these drugs are generally treated as more serious than those involving substances on the other four schedules. Statewide, violators of manufacture or distribution prohibitions applicable to Schedule I or II substances that are narcotics are subject to maximum penalties of a fine of \$25,000 and/or

incarceration for 20 years. Subsequent violations may subject a person to a minimum sentence of ten years or 25 years, depending upon circumstances, which may not be suspended and which restrict eligibility for parole.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime in Carroll County 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 \$1,700 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 \$260 per month.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 8, 2000  
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Analysis by: Guy G. Cherry

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510