HB 915

Department of Legislative Services

Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 915 (Delegate Hutchins, *et al.*)
Judiciary

Criminal Procedure - Enhanced Sentences - Controlled Dangerous Substances

This bill allows for conjunctive sentencing for controlled dangerous substance offenses so that enhanced sentences for second or subsequent offenses may be imposed.

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.

Analysis

Current Law: Second and subsequent criminal violations of controlled dangerous substance provisions subject persons to double the maximum penalty for the particular offense. Offenses covered under these provisions include misdemeanors and felonies with current law maximum monetary penalties ranging from $500 to $50,000 and maximum incarceration penalties ranging from one year to 25 years.

Article 27, § 286 provides for mandatory minimum sentencing for controlled dangerous substances violations. However, under Article 27, § 293 (b)(3), any person convicted of a controlled dangerous substances offense that is a second or subsequent offense is subject to imprisonment that is twice the length authorized, twice the fine authorized, or both.

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 $1,700 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.

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 2001 are estimated to range from $11 to $54 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, 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 $22 to $83 per inmate in fiscal 2001.

Additional Information

Prior Introductions: In 1999, a similar bill (HB 420) was introduced. This bill passed the

House with amendments, passed the Senate with amendments, and had no further action taken on it.

Cross File: None.

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

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nlr/jr

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