

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1175 (Delegate Finifter. *et al.*)

Judiciary

Crimes - Drug Paraphernalia - Determining Factors

This bill repeals, under Maryland's criminal code, the following particulars as factors that should be considered by a court or other authority in determining whether an object is drug paraphernalia: (1) written or oral instructions provided with the object concerning its use; (2) descriptive materials accompanying the object explaining or depicting its use; and (3) whether the owner, or anyone in control of the object, is a legitimate supplier of such items, such as a licensed distributor or dealer of tobacco products.

Fiscal Summary

State Effect: Minimal. Eliminating these factors as ones which "should" be considered in determining whether an object is drug paraphernalia is not likely to measurably affect State operations or finances.

Local Effect: Minimal. Eliminating these factors as ones which "should" be considered in determining whether an object is drug paraphernalia is not likely to measurably affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Drug paraphernalia is defined (under Article 27, § 287A) by its use, intended use, and design. The definition also includes 12 categories of objects considered

to meet the definition. In addition, there are 13 delineated factors that should be considered by a court or other authority in determining whether an object is drug paraphernalia.

Background: There were 20 intakes by the Division of Correction, and 496 for the Division of Parole and Probation, for convictions of possession of narcotics paraphernalia. The currently available data does not disclose the factors that were considered in making determinations as to whether the objects at issue were paraphernalia.

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

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