

Department of Legislative Services  
Maryland General Assembly  
2000 Session

## FISCAL NOTE

House Bill 386 (Delegate Marriott, *et al.*)

Judiciary

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### Crack Cocaine Equitable Sentencing Act

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This bill repeals the current law provision that subjects persons who manufacture or distribute 50 grams or more of crack cocaine to enhanced penalties of a maximum fine of \$100,000 and a mandatory minimum sentence of five years, which cannot be suspended.

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### Fiscal Summary

**State Effect:** Potential minimal decrease in general fund expenditures due to the bill's elimination of a mandatory minimum sentencing provision. Revenues would not be affected.

**Local Effect:** Potential minimal decrease in circuit court revenues due to the bill's elimination of a monetary fine penalty provision. Expenditures would not be affected.

**Small Business Effect:** None.

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### Analysis

**Current Law:** Cocaine is a Schedule II controlled dangerous substance. Offenses relating to the manufacture or distribution of drugs on this schedule subject violators to maximum penalties of a fine of \$25,000 and/or imprisonment for 20 years. In addition to various additional penalties for subsequent offenses, violations involving at least 50 grams of "crack" subject offenders to enhanced penalties of an additional \$100,000 fine and a mandatory minimum sentence of five years, which cannot be suspended. Such a violation also eliminates the possibility of parole, unless the person has been sentenced to the Patuxent Institution.

**Background:** The federal government and most state governments have provided for more severe penalties for persons convicted of crack cocaine offenses than for those involving powdered cocaine. Issues relating to this difference in penalties have arisen over the last

several years, especially in terms of whether such penalty statutes tend to be discriminatory toward minorities. Data on the number of persons sentenced under Maryland's enhanced penalty provision for crack cocaine offenses are not currently available.

**State Expenditures:** General fund expenditures could decrease minimally as a result of the bill's repeal of certain mandatory minimum sentencing provisions due to some people being committed to Division of Correction (DOC) facilities for shorter periods of time. The number of convicted persons this may affect, or the effect on their actual sentences served, is unknown.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$260 per month. Accordingly, this bill could allow for a cost savings of approximately \$3,120 per year per inmate, but only to the extent that fewer mandatory minimum sentences imposed would result in less time served by any given inmate convicted of these drug-related offenses.

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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), Office of the Public Defender, Office of State's Attorneys' Coordinator, Department of Legislative Services

**Fiscal Note History:** First Reader - February 29, 2000  
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