

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 178 (Delegates Menes and Grosfeld)
Judiciary

Drug Dealer Liability Act

This bill provides that a person who is convicted of knowingly and willfully manufacturing, distributing, dispensing, bringing into, or transporting a controlled dangerous substance in the State is liable for damages in a civil action for the death of an individual caused by the individual's use of a controlled dangerous substance. The bill specifies who may bring such an action and the types of damages that may be recovered from a defendant.

Fiscal Summary

State Effect: The bill is not expected to significantly impact governmental operations or finances.

Local Effect: The bill is not expected to significantly impact governmental operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: A parent, legal guardian, child, spouse, or sibling of the deceased individual may bring an action pursuant to the bill. A defendant in such an action may not raise a defense of assumption of risk or contributory negligence based on the use of a controlled dangerous substance by the deceased individual.

The bill may not be applied to any civil action for damages for the death of an individual from the use, before the bill's October 1, 2000 effective date, of a controlled dangerous

substance.

Current Law: There are no provisions concerning the civil liability of drug dealers.

State Fiscal Effect: It is expected that the Judiciary and other court-related agencies could handle any increased caseload resulting from the bill with existing budgeted resources.

Additional Information

Prior Introductions: Similar bills were introduced during the 1998 and 1996 sessions. HB 1243 of 1998 was not reported out of the Judiciary Committee. HB 912 of 1998 received an unfavorable report from the Judiciary Committee.

Cross File: SB 484 (Senator Colburn) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Health and Mental Hygiene; Department of Human Resources; Baltimore City; Montgomery, Prince George's, and Worcester counties; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2000

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Revised - House Third Reader - March 21, 2000

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