

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 405 (Delegate Amedori)
Judiciary

Illegal Drugs - Heroin - Mandatory Minimum Sentence

This bill authorizes the State to apply (in writing) for an imprisonment sentence of 20 years with a nonsuspendable, nonparolable mandatory minimum sentence of five years for a person convicted of distributing, dispensing, or possessing with intent to distribute heroin. The bill's elimination of parole for such sentences is not applied to persons sentenced to the Patuxent Institution.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures due to the bill's enhanced incarceration penalty provisions. Revenues would not be affected.

Local Effect: None. It is assumed that any additional workload for the State's Attorneys or the circuit courts arising from this bill could be handled with existing budgeted resources.

Small Business Effect: None.

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. For subsequent violations, the term of

imprisonment for a person lengthens according to the number of times the person has been previously convicted. A repeat offender is subject to: (1) not less than ten years imprisonment, if previously convicted once; (2) not less than 25 years imprisonment, if previously convicted twice; and (3) not less than 40 years imprisonment, if previously convicted three times.

A person convicted of distributing 28 grams or more of opium or an opium derivative, which includes heroin, in a 90-day time period is subject to a mandatory minimum nonparolable five-year term of confinement plus a fine of up to \$100,000. A drug kingpin convicted of conspiracy involving 28 grams or more of opium or an opium derivative is subject to imprisonment for at least 20 years and up to 40 years plus a fine of up to \$1,000,000.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to people being committed to Division of Correction (DOC) facilities for longer periods of time. While the number of people who might be sentenced under this incarceration penalty enhancement is unknown, it 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. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 per month.

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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cm/cr

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