

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 416 (Delegate Sophocleus, *et al.*)
Judiciary

Criminal Law - Drug Free Zones - Recreation Areas

This bill prohibits specified drug related activities in a “recreation area,” and provides for additional penalties.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures due to the bill’s incarceration penalty provisions. Expenditures by the Department of Natural Resources to erect drug-free zone signs (\$2,300) could be handled with existing resources.

Local Effect: Potential increase in revenues due to the bill’s monetary penalty provisions. It is assumed that the optional posting of drug-free zone signs could be handled with the existing budgeted resources of any of the State’s political subdivisions.

Small Business Effect: None.

Analysis

Bill Summary: This bill prohibits a person from manufacturing, distributing, dispensing, or possessing with intent to distribute a controlled dangerous substance in a “recreation area.” Conspiring to commit any of these offenses in a “recreation area” is also prohibited. Violators are guilty of a felony and subject to the following maximum penalties: (1) for a first offense, a fine of \$20,000 and/or imprisonment for 20 years; and (2) for a subsequent offense, a fine of \$40,000 and/or imprisonment for 40 years and not less than 5 years.

The bill defines “recreation area” as a property that is maintained as a forest, park, public parkland, wildland, or open or recreation area owned or operated by the State or one of its political subdivisions.

Sentences imposed under these provisions are required to be served consecutively to any other sentence imposed, and a conviction under these provisions may not merge with a conviction for other specified provisions prohibiting a person from similar activities or engaging a minor in such activities.

The bill also allows the State or one of its political subdivisions to post signs designating a “recreation area” as a “drug free zone.” Such signs must be designed to provide notice of the provisions of this bill.

Current Law: A person is prohibited from the same drug related activities within 1,000 feet of any public or nonpublic school, or on a school vehicle. These prohibitions subject violators to the same penalties provided under this bill. A county board of education is authorized to adopt regulations requiring the posting of signs designating the areas within 1,000 feet of schools as “drug free school zones.” There are no similar provisions specifically applicable to “recreation areas.”

Background: The Department of Natural Resources reports 103 drug arrests on State forest and park property in fiscal 2000. It is not known how many similar arrests have occurred at recreation areas owned or operated by political subdivisions of the State.

State Expenditures: While it is unknown where each of the underlying crimes occurred, the Division of Correction (DOC) reports that about one-half of all intakes in fiscal 2000 were for drug related offenses. The extent to which the bill’s mandatory consecutive sentencing and its prohibition against merging convictions could increase actual sentences cannot be reliably estimated. In any event, it is possible that general fund expenditures could increase significantly as a result of the bill’s incarceration penalties due to more people being committed to DOC facilities for longer periods of time.

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. The average variable cost of housing a new inmate (food, medical costs, etc.), excluding overhead, is \$288 per month.

In addition, general fund expenditures for the Department of Natural Resources would increase by \$2,300 in fiscal 2002 due to the erection of one drug-free zone sign at each of 23 basic facilities at a cost of about \$100 per sign.

Local Revenues: Revenues could increase by unknown amounts as a result of the bill's monetary penalty provisions since these cases would be heard in the circuit courts.

Additional Information

Prior Introductions: A similar bill (HB 1225) was introduced in the 1998 session to establish State forests and parks as "drug free zones." After a hearing before the House Judiciary Committee, no further action was taken on that bill.

Cross File: None.

Information Source(s): Department of Natural Resources; Department of Public Safety and Correctional Services (Division of Correction); Allegany, Montgomery, Prince George's, and Wicomico counties; Department of Legislative Services

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