

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

Senate Bill 406 (Senator Ferguson, *et al.*)

Judicial Proceedings

Judiciary

Criminal Law - Drug Free Zones - Child Care Centers and Family Day Care
Homes

This bill prohibits a person from manufacturing, distributing, dispensing, or possessing with intent to distribute a controlled dangerous substance in, on, or within 1,000 feet of the real property of a “child care center” or “family day care home.”

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill’s incarceration penalty provisions. The adoption of regulations authorizing the posting of drug free zone signs could be handled with the existing budgeted resources of the Department of Human Resources.

Local Effect: Potential increase in revenues due to the bill’s monetary penalty provisions. Potential minimal increase in expenditures for the erection of signs.

Small Business Effect: Minimal.

Analysis

Bill Summary: Violators of this provision 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 five years.

Sentences imposed under this provision are required to be served consecutively to any other sentence imposed, and a conviction may not merge with a conviction for other specified drug-related crimes.

The bill allows the Department of Human Resources to adopt regulations authorizing the voluntary posting of signs by the owner or operator of a child care center or family day care home designating the property as a “drug free zone.”

The bill also specifies evidentiary requirements relating to prosecutions brought under these provisions.

Current Law: A person may not distribute drugs 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 childcare centers or family day care homes.

Background: It is not known how many drug-related arrests have occurred at childcare centers or family day care homes.

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, general fund expenditures could increase minimally as a result of the bill’s incarceration penalties due to more people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted of this proposed crime 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. The average variable cost of housing a new inmate (food, medical costs, etc.), excluding overhead, is \$288 per month.

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

Local Expenditures: Childcare centers and family day care homes are largely operated privately. However, to the extent that a local government entity may operate such a facility, expenditures could increase by about \$100 for each drug free zone sign erected.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Department of Human Resources, Department of Legislative Services

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jm/jr Revised – Senate Third Reader – March 27, 2001

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