

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 37 (Delegate Menes, *et al.*)
(Special Committee on Drug and Alcohol Abuse)

Judiciary

Judicial Proceedings

Crimes - Controlled Dangerous Substance Analogues

This bill provides that “controlled dangerous substance analogues” be treated as Schedule I controlled dangerous substances, to the extent that the analogues are intended for human consumption. Such analogues are defined, in part, as substances that have a chemical structure substantially similar to the chemical structure of a controlled dangerous substance classified in Schedule I or Schedule II.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to existing penalty provisions applicable to offenses involving Schedule I drugs. Revenues would not be affected.

Local Effect: Potential minimal increase in revenues and expenditures due to existing penalty provisions applicable to offenses involving Schedule I drugs.

Small Business Effect: None.

Analysis

Current Law: Schedule I drugs are considered to have the highest potential for abuse, and offenses involving these drugs are generally treated more seriously than those involving substances on the other four schedules. Violators of prohibitions against the manufacture or distribution of Schedule I or II drugs, if the substances are narcotics, are guilty of a felony and subject to maximum penalties of a fine of \$25,000 and/or

imprisonment for 20 years. Violators of prohibitions against the manufacture or distribution of any other drugs on any of the five schedules are guilty of a felony and subject to maximum penalties of a fine of \$15,000 and/or imprisonment for five years. Enhanced penalty provisions apply to subsequent offenders, drug kingpins, and other specified circumstances.

State Expenditures: General fund expenditures could increase minimally as a result of applicable incarceration penalties due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of crimes involving controlled dangerous analogues alone 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. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$288 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2002 are estimated to range from \$9 to \$52 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of applicable monetary penalty provisions since felony cases are heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of applicable incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: A similar bill was introduced during the 2000 session. That bill passed the House, and after a hearing by the Senate Judicial Proceedings Committee had no further action take on it.

Cross File: None.

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

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