

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 539

(Delegate Marriott, *et al.*)

Judiciary

Crack Cocaine Uniform Sentencing Act

This bill repeals the current law provision that subjects persons who manufacture or distribute 50 grams or more of crack cocaine to enhanced penalties of a maximum fine of \$100,000 and a mandatory minimum sentence of five years, which cannot be suspended.

Fiscal Summary

State Effect: Potential minimal decrease in general fund expenditures due to the bill's elimination of a mandatory minimum sentencing provision. Revenues would not be affected.

Local Effect: Potential minimal decrease in circuit court revenues due to the bill's elimination of a monetary fine penalty provision. Expenditures would not be affected.

Small Business Effect: None.

Analysis

Current Law: Cocaine is a Schedule II controlled dangerous substance. Offenses relating to the manufacture or distribution of drugs on this schedule subject violators to maximum penalties of a fine of \$25,000 and/or imprisonment for 20 years. In addition to various additional penalties for subsequent offenses, violations involving at least 50 grams of "crack" subject offenders to enhanced penalties of an additional \$100,000 fine and a mandatory minimum sentence of five years, which cannot be suspended. Such a violation also eliminates the possibility of parole, unless the person has been sentenced to the Patuxent Institution.

Background: The federal government and most state governments have provided for more severe penalties for persons convicted of crack cocaine offenses than for those involving powdered cocaine. Issues relating to this difference in penalties have arisen over the last several years, especially in terms of whether such penalty statutes tend to be discriminatory toward minorities. Data on the number of persons sentenced under Maryland's enhanced penalty provision for crack cocaine offenses are not currently available.

State Expenditures: General fund expenditures could decrease minimally as a result of the bill's repeal of certain mandatory minimum sentencing provisions due to some people being committed to Division of Correction (DOC) facilities for shorter periods of time. The number of convicted persons this may affect, or the effect on their actual sentences served, is unknown.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$288 per month. Accordingly, this bill could allow for a cost savings of approximately \$3,456 per year per inmate, but only to the extent that fewer mandatory minimum sentences imposed would result in less time served by any given inmate convicted of these drug-related offenses.

Additional Information

Prior Introductions: A similar bill, HB 386, was introduced during the 2000 session. It received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Office of the Public Defender, Office of State's Attorneys' Coordinator, Department of Legislative Services

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ef/cr

Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510