

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1246

(Delegates Ports and Redmer)

Judiciary

Controlled Dangerous Substances - Use of Minors - Mandatory Minimum Sentence

This bill establishes a mandatory minimum, nonsuspendable sentence of ten years for a person convicted of using a minor to manufacture, distribute, or deliver a controlled dangerous substance. The current law maximum monetary and incarceration penalties are unchanged.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's mandatory minimum incarceration penalty provision.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not hire, solicit, engage, or use a minor to manufacture, deliver, or distribute on behalf of that person a controlled dangerous substance in sufficient quantity to reasonably indicate an intent to distribute the controlled dangerous substance. This prohibition does not prohibit a person from hiring, soliciting, engaging, or using a minor to manufacture, deliver, or distribute a controlled dangerous substance if the activity has a lawful purpose. A person may not bring a minor into the State to use the minor to violate this prohibition or other related drug offense prohibitions. A violator is guilty of a felony and subject to maximum penalties of a fine of \$20,000 and/or imprisonment for 20 years.

State Expenditures: The number of persons serving sentences involving this offense in State correctional facilities is unknown. The average length of sentence now being received by such offenders is also unknown. However, because persons convicted of this offense are likely to be charged with and convicted of multiple related offenses, even with concurrent sentencing this bill should not significantly impact the terms served by a significant number of people.

In any event, general fund expenditures could increase minimally as a result of the bill's mandatory minimum incarceration penalty provision due to people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted of this crime is not expected change.

Generally, 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 \$1,850 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 \$300 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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