

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 513

(Senator Harris)

Judicial Proceedings

Judiciary

Criminal Law - Altering the Results of a Drug or Alcohol Screening Test -
Penalties

This bill prohibits a person, with intent to defraud or alter the outcome of a drug or alcohol screening test, from altering a “bodily fluid” sample, substituting a bodily fluid sample with that of another person or animal, or possessing or using a “bodily fluid adulterant.” The bill also prohibits a person, with a similar intent, from selling, distributing, offering to sell or distribute, or transporting into the State, bodily fluids or bodily fluid adulterants. A first offense violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000. For each subsequent offense, a violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$5,000.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

Local Effect: Minimal increase in revenues and expenditures due to the bill’s penalty provisions.

Small Business Effect: Minimal.

Analysis

Current Law: Drug or alcohol screening tests may be administered, or ordered to be administered, under authority of the courts, various State and local public safety and law

enforcement agencies, as well as various State and local health care entities. Potential sanctions usually accompany such orders.

Background: This bill is fashioned after existing provisions in North Carolina and South Carolina. Some private employers currently employ drug testing as a component of hiring and continued employment practices. The number of persons now subject to public or private sector drug testing is unknown, although it is assumed to be significant.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: 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 and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than 18 months 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 \$350 per month. Excluding medical care, the average variable costs total \$120 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. 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 2004 are estimated to range from \$14 to \$59 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 the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's 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 \$28 to \$84 per inmate in fiscal 2004.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 6, 2003
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