

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 138
Judiciary

(Delegate Kelley, *et al.*)

Judicial Proceedings

**Criminal Procedure - Distribution of Noncontrolled Substance - Jurisdiction of
Trial Courts**

This bill provides concurrent jurisdiction for the circuit courts and the District Court of Maryland over the felony offense of distributing, attempting to distribute, or possessing with intent to distribute a faked controlled dangerous substance.

Fiscal Summary

State Effect: The bill would not result in any significant foreseeable fiscal or operational impact to the courts.

Local Effect: None - see above.

Small Business Effect: None.

Analysis

Current Law: With certain exceptions, the District Court does not have jurisdiction over a criminal case charging the commission of a felony.

It is a felony for a person to distribute, attempt to distribute, or possess with intent to distribute a noncontrolled substance that is represented as a controlled dangerous substance. Upon conviction, a violator is subject to a maximum fine of \$15,000 and/or a maximum term of imprisonment of five years. A criminal case charging the commission of this crime is within the jurisdiction of the circuit court.

Additional Information

Prior Introductions: HB 419 of 2002 passed the House and received a hearing by the Senate Judicial Proceedings Committee, but no further action was taken. HB 176 of 2001 passed the House and the Senate with amendments. A motion to reconsider the third reading and special order was adopted by the Senate, but no further action was taken.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2003
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