

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 940 (Senator Astle)
Judicial Proceedings

City of Annapolis - Drug-Free Area or City

This bill establishes the City of Annapolis as a drug-free city by prohibiting a person from manufacturing, distributing, dispensing, or possessing with intent to distribute a controlled dangerous substance (or to conspire to commit any of these crimes) within the city.

Fiscal Summary

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

Local Effect: Potential minimal increase in revenues for Anne Arundel County due to the bill's monetary penalty provisions and because these cases would be heard in the 5th Circuit Court. It is assumed that signage costs could be absorbed within existing budgeted resources of the City of Annapolis.

Small Business Effect: None.

Analysis

Bill Summary: The bill's prohibitions apply only to the City of Annapolis. A violator is guilty of a felony and subject to the following maximum penalties: • or a first offense, a fine of \$20,000; and • for each subsequent offense, a mandatory minimum nonparolable, nonsuspendable sentence of 5 years, and maximum penalties a fine of \$40,000 and/or imprisonment for 40 years. Sentences imposed under these provisions are required to be

served consecutively to any other sentence imposed, and a conviction under these provisions may not merge with a conviction for other specified drug-related prohibitions.

The bill provides for the approval and evidentiary use of maps to define the location and boundaries of the covered areas for prosecutorial purposes. The bill's provisions do not preclude the prosecution from introducing other evidence to establish an element of a crime and do not preclude the use or admissibility of maps or diagrams other than those approved by the Mayor and City Council of Annapolis.

The City of Annapolis may adopt regulations requiring the posting of drug-free area signs within the city to provide notice of these provisions.

Current Law: A person is prohibited from manufacturing, distributing, dispensing, or possessing with intent to distribute a controlled dangerous substance within 1,000 feet of any school or on a school vehicle. A violator is guilty of a felony and subject to the following maximum penalties: • for a first offense, a fine of \$20,000 and/or imprisonment for 20 years; and • for each subsequent offense, a fine of \$40,000 and/or imprisonment for 40 years and not less than 5 years. The mandatory minimum five-year sentence for a subsequent offense is nonsuspendable and nonparolable. Sentences imposed under these provisions are required to be served consecutively to any other sentence imposed, and a conviction under these provisions may not merge with a conviction for other specified drug-related prohibitions.

A county board of education is authorized to adopt regulations requiring the posting of signs designating the areas within 1,000 feet of schools as “drug-free school zones.”

Background: The most recent Maryland *Uniform Crime Report* (2006) shows an increase in serious crimes of 18.4% in Annapolis over the previous year. The *Baltimore Sun* has reported that Annapolis Police Department data since 2003 shows an overall increase in some crime data. The *Sun* reported that these data show that there were 8 homicides in 2008, compared to 5 in 2003; and that, while rapes were sharply down since 2003 (17 to 5), robberies and aggravated assaults are up. In the first six weeks of 2008, three people have been killed in the city. Much of the city's crime is believed to be drug related.

On February 21, 2008, the Governor, the Speaker of the House, the Mayor of Annapolis, the U.S. Attorney for Maryland, and local officials announced a comprehensive plan to reduce crime in Annapolis and signed a Memorandum of Understanding establishing the Capital City Safe Streets Coalition.

The program was announced as a public safety strategy pairing State and federal resources with local and community efforts to address crime in the city. It would establish partnerships among the city, Anne Arundel County, and State and federal agencies to focus on crime reduction. The Annapolis Police Department would improve their crime mapping capabilities and would hire a crime analyst and a criminal justice coordinator to help develop strategies to reduce crime. The plan also includes:

- the Maryland Division of Parole and Probation's assistance in identifying and enhancing supervision of the city's most violent offenders;
- expedited warrant service for most violent offenders;
- implementation of a kiosk system to improve supervision of lower-level offenders;
- collaboration with the State Police Gun Trace Task Force;
- creation of a local, State, and federal prosecution strategy;
- coordination of social services; and
- initiation and enhancement of citizen-based crime prevention efforts.

State Expenditures: The extent to which to which the bill's sentencing provisions could increase actual sentences for drug-related offenses cannot be reliably estimated. The underlying activities covered under this bill are already criminal offenses, statewide.

In any event, this bill could lead to an increase in arrests and convictions, at least initially, for the City of Annapolis depending on changes in enforcement practices. Accordingly, it is possible that general fund expenditures could increase as a result of incarceration penalties due to more people being committed to Division of Correction (DOC) facilities for longer periods of time. The bill's criminal penalties, as enhancements to the existing criminal penalties for the underlying crimes, increase the likelihood that the conviction for these offenses would lead to increased incarceration time in a State facility.

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 \$2,600 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 \$526 per month. Excluding medical care, the average variable costs total \$148 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 2009 are estimated to range from \$19 to \$71 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 Revenue: Revenues could increase minimally as a result of the applicable monetary penalty provisions from cases heard in the 5th Circuit Court.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, City of Annapolis, Judiciary (Administrative Office of the Courts), Commission on Criminal Sentencing Policy, Department of Public Safety and Correctional Services, Department of Legislative Services

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mll/jr

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