

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 643

(Senator Klausmeier)

Judicial Proceedings

Judiciary

Criminal Procedure - Forfeiture Proceeds - Appropriation Percentage and Reporting

This bill increases, from 20% to 100%, the amount of controlled dangerous substances (CDS) forfeiture proceeds deposited in the general fund that the Governor must appropriate to the Maryland Department of Health (MDH) for the purpose of funding drug treatment and education programs. The bill also requires the Governor's Office of Crime Control and Prevention (GOCCP) to include in its annual aggregate report on forfeitures the amount from CDS forfeitures deposited in the State's general fund that were appropriated to MDH for the purpose of funding drug treatment and education programs and how the funds were spent.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures for MDH for drug treatment and education programs. Revenues are not affected.

Local Effect: The bill is not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: Chapters 619 and 658 of 2016 made extensive changes to the State's CDS seizure and forfeiture laws, including:

- requiring the Governor to appropriate 20% of the proceeds deposited into the State's general fund from forfeited property under Title 12, Subtitle 4 of the Criminal Procedure Article to MDH for the purpose of funding drug treatment and education programs; and
- requiring seizing authorities to report specified seizure and forfeiture information to the Maryland Statistical Analysis Center (MSAC) within GOCCP, requiring MSAC to compile information submitted by seizing authorities, and requiring GOCCP to submit an annual report on the submitted information.

Maryland law requires that the proceeds from forfeitures processed under State law be deposited into the general fund of the State or the general fund of the appropriate local government.

State Expenditures: According to MDH, the amount the department receives under § 12-405 of the Criminal Procedure Article is not a separate line item in the department's budget; rather, it is part of MDH's annual general fund appropriation for drug treatment and education. Thus, MDH was not able to provide information on how much funding it receives each year from CDS forfeiture proceeds under § 12-405 of the Criminal Procedure Article. The Department of Budget and Management did not respond to an inquiry from the Department of Legislative Services as to how much MDH received in fiscal 2018 pursuant to § 12-405. However, the Department of State Police advises that it forfeited approximately \$33,000 to the State in fiscal 2018.

Assuming that this amount is indicative of the typical annual amount of CDS forfeiture proceeds deposited into the State's general fund in a given year, then the bill increases MDH's § 12-405 allocation from approximately \$6,600 annually to \$33,000 annually.

GOCCP advises that it can implement the bill's provisions with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Judiciary (Administrative Office of the Courts); Department of Budget and Management; Maryland Department of Health; Department of Legislative Services

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