

MAINE STATE LEGISLATURE

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Date: 5/31/11

L.D. 44

(Filing No. H-419)

Minority

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 37, L.D. 44, Bill, "An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶B, as amended by PL 2007, c. 476, §43, is further amended to read:

B. A schedule W drug that contains:

(1) Heroin (diacetylmorphine);

(2) Cocaine in the form of cocaine base and at the time of the offense the person has one or more prior convictions for any offense under this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction. For the purposes of this paragraph, a person has been convicted of an offense on the date the judgment of conviction was entered by the court the quantity possessed is 7 to 14 grams;

(2-A) Cocaine in the form of cocaine base and the quantity possessed is 2 to 4 grams;

(3) Methamphetamine;

(4) Oxycodone;

(5) Hydrocodone; or

(6) Hydromorphone.

Violation of this paragraph is a Class C crime;

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

COMMITTEE AMENDMENT

R. O. F. S.

COMMITTEE AMENDMENT "B" to H.P. 37, L.D. 44

Correctional Impact Reserve N033

Initiative: Provides funds to the Correctional Impact Reserve program to support the additional incremental costs of enhancing the penalty for possession of cocaine and cocaine base.

| | | | |
|---|---------------------------|------------------|------------------|
| 5 | GENERAL FUND | 2011-12 | 2012-13 |
| 6 | All Other | \$764,154 | \$849,059 |
| 7 | | | |
| 8 | GENERAL FUND TOTAL | <u>\$764,154</u> | <u>\$849,059</u> |

| | | | |
|----|-------------------------------------|------------------|------------------|
| 9 | CORRECTIONS, DEPARTMENT OF | | |
| 10 | DEPARTMENT TOTALS | 2011-12 | 2012-13 |
| 11 | | | |
| 12 | GENERAL FUND | \$764,154 | \$849,059 |
| 13 | | | |
| 14 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$764,154</u> | <u>\$849,059</u> |

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funds for the incremental increase in indigent legal services costs as a result of enhancing the penalty for possession of cocaine and cocaine base.

| | | | |
|----|---------------------------|----------------|----------------|
| 19 | GENERAL FUND | 2011-12 | 2012-13 |
| 20 | All Other | \$4,453 | \$4,453 |
| 21 | | | |
| 22 | GENERAL FUND TOTAL | <u>\$4,453</u> | <u>\$4,453</u> |

| | | | |
|----|---------------------------------------|----------------|----------------|
| 23 | INDIGENT LEGAL SERVICES, MAINE | | |
| 24 | COMMISSION ON | | |
| 25 | DEPARTMENT TOTALS | 2011-12 | 2012-13 |
| 26 | | | |
| 27 | GENERAL FUND | \$4,453 | \$4,453 |
| 28 | | | |
| 29 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$4,453</u> | <u>\$4,453</u> |

| | | | |
|----|-----------------------|-----------------------------|-----------------------------|
| 30 | SECTION TOTALS | 2011-12 | 2012-13 |
| 31 | | | |
| 32 | GENERAL FUND | \$768,607 | \$853,512 |
| 33 | | <u> </u> | <u> </u> |

COMMITTEE AMENDMENT

R.O.F.S.

| | | | |
|---|----------------------------------|------------------|------------------|
| 1 | SECTION TOTAL - ALL FUNDS | \$768,607 | \$853,512 |
| 2 | | | |

3 **SUMMARY**

4 This amendment is the minority report. Instead of making possession of any amount
5 of cocaine or cocaine base at least a Class C crime, as the bill does, the amendment
6 specifies that possession of 7 to 14 grams of cocaine and 2 to 4 grams of cocaine in the
7 form of cocaine base is a Class C crime. The amendment adds an appropriations and
8 allocations section.

9 **FISCAL NOTE REQUIRED**

10 (See attached)



125th MAINE LEGISLATURE

LD 44

LR 190(03)

An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

| | FY 2011-12 | FY 2012-13 | Projections FY 2013-14 | Projections FY 2014-15 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$768,607 | \$853,512 | \$853,512 | \$853,512 |
| Appropriations/Allocations | | | | |
| General Fund | \$768,607 | \$853,512 | \$853,512 | \$853,512 |

Correctional and Judicial Impact Statements

Increases Class D crimes to Class C crimes; increases correctional, indigent legal and judicial costs.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

| Correctional Cost Detail | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 |
|-------------------------------------|------------------|------------------|------------------|------------------|------------------|
| Increases Class D to Class C | \$764,154 | \$849,059 | \$849,059 | \$849,059 | \$849,059 |
| Total Cost - All Convictions | \$764,154 | \$849,059 | \$849,059 | \$849,059 | \$849,059 |

The annual incremental increase to the correctional system is estimated to be \$849,059 based on an assumed 61 convictions per year. The annual incremental cost to the Maine Commission on Indigent Legal Services is estimated to be \$4,453.