

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1361  
Judiciary

(Delegate Rosenberg)

---

**Criminal Law - Controlled Dangerous Substances and Criminal Organizations**

---

This bill codifies that a person may not conspire to commit a violation of § 5-602 of the Criminal Law Article (distribution of a controlled dangerous substance (CDS), possession with intent to distribute CDS, etc.) and that, except as otherwise specified in Title 5, Subtitle 6 of the Criminal Law Article (drug crimes), a person who is convicted for conspiracy to commit a violation of § 5-602 must be subject to the same penalty as the underlying offense. The bill establishes venue provisions related to drug crimes and criminal organizations and a joinder provision for drug crime prosecutions.

---

**Fiscal Summary**

**State Effect:** General fund expenditures for the Department of Public Safety and Correctional Services (DPSCS) may increase if the bill's venue and joinder provisions increase incarcerations for applicable offenses. General fund expenditures for the Office of the Public Defender (OPD) may increase depending on case volume. Revenues are not materially affected.

**Local Effect:** Potential minimal increase in local revenues if the bill increases fines imposed in the circuit courts. Expenditures are not materially affected.

**Small Business Effect:** None.

---

**Analysis**

**Bill Summary:** For purposes of venue, any violation of the Criminal Law Article or the Public Safety Article committed in furtherance of a violation of Title 5, Subtitle 6 of the Criminal Law Article is considered to have been committed in any county (1) in which an

act was performed in furtherance of a violation of the subtitle; (2) that is the principal place of the operations of the conspiracy in the State; (3) in which a defendant had control or possession of proceeds of a violation of the subtitle or of records or other material or objects that were used in furtherance of a violation; or (4) in which a defendant resides. Notwithstanding any other provision of law, in circumstances in which a violation of the subtitle is alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined. The bill makes corresponding changes to the venue provision for crimes involving criminal organizations under § 9-807 of the Criminal Law Article to make that provision substantially similar to the one established under the bill.

## **Current Law:**

### *Conspiracy and Inchoate Crimes*

Under the Maryland Criminal Jury Pattern Instructions, a conspiracy is an agreement between two or more persons to commit a crime. Conspiracy is an "inchoate" crime. Inchoate crimes reflect steps taken toward the commission of another crime (the substantive crime) that are serious enough that they are considered criminal behavior worthy of punishment. Inchoate crimes are generally common law crimes. However, some inchoate crimes (*e.g.*, attempted murder) have been made into statutory offenses. Under § 1-202 of the Criminal Law Article, the punishment of a person who is convicted of conspiracy may not exceed the maximum punishment for the crime that the person conspired to commit.

### *Venue*

In general, a prosecution is brought in the county or the district that includes the county where the crime occurred. Statute contains multiple exceptions to this general rule.

### *Criminal Organizations – Title 9, Subtitle 8 of the Criminal Law Article*

Title 9, Subtitle 8 of the Criminal Law Article contains extensive criminal prohibitions pertaining to criminal organizations. For purposes of venue, any violation of the subtitle is considered to have been committed in any county: (1) in which any act was performed in furtherance of a violation of the subtitle; (2) that is the principal place of the operations of the criminal organization in the State; (3) in which a defendant had control or possession of proceeds of a violation of the subtitle or of records or other material or objects that were used in furtherance of a violation; or (4) in which a defendant resides.

**State Expenditures:** The extent to which the bill's venue and joinder provisions increase prosecutions, convictions, and incarcerations in State correctional facilities cannot be reliably determined at this time. This estimate assumes that those provisions are generally used on a limited basis for larger and more complicated cases. Depending on actual increases to caseloads, general fund expenditures for OPD may increase. To the extent that the bill results in additional incarcerations, general fund expenditures increase for DPSCS.

*Department of Public Safety and Correctional Services*

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per incarcerated individual, including overhead, is estimated at \$5,838 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 a State correctional facility. The State provides assistance to the counties for locally sentenced incarcerated individuals and for (1) incarcerated individuals who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced incarcerated individuals confined in a local detention center between 12 and 18 months; and (3) incarcerated individuals who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

*Office of the Public Defender*

OPD advises that (1) the bill increases caseloads and costs for the agency and (2) it needs at least one additional attorney for every 226 new cases and 2,092 hours of increased workload. As noted above, the bill's impact on caseloads cannot be reliably determined at this time. *For illustrative purposes only*, should OPD caseloads and workloads increase such that an additional attorney is required, the cost associated with that position is approximately \$94,700 in fiscal 2027 and increases to approximately \$127,700 by fiscal 2031.

*Office of the Attorney General*

There is no anticipated fiscal or operational impact on the Office of the Attorney General.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Charles and Dorchester counties; Office of the Attorney General; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2026  
caw/jkb

---

Analysis by: Amy A. Devadas

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510