

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 209
Judiciary

(Delegate Mitchell, *et al.*)

Judicial Proceedings

Public Safety - Possession of Firearms - Crimes Committed in Other States

This bill prohibits a person from possessing a regulated firearm or a rifle or shotgun if the person was previously convicted of a federal charge or an offense in another state that would constitute a disqualifying crime of violence or drug crime if committed in Maryland.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's expanded scope of firearms prohibitions and the applicable incarceration penalty provision. Enforcement can be handled by the existing budgeted resources of the State Police.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The term "firearm" means (1) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or (2) the frame or receiver of such a weapon. It includes a starter gun.

A regulated firearm is any handgun or any of the 45 assault weapons (or copies) identified under Title 5 of the Public Safety Article. Among other restrictions, a person may not possess a regulated firearm in the State, including a rifle or a shotgun, if a person was previously convicted of a crime of violence or drug-related felony. A violator is

guilty of a felony and subject to a nonsuspendable, nonparolable, mandatory minimum sentence of 5 years and a maximum sentence of 15 years. Each violation must be considered a separate offense.

Background: Federal law prohibits a sale or other transaction of a firearm to a person who is prohibited from possessing the firearm under applicable state or local laws.

State Expenditures: General fund expenditures increase minimally as a result of the bill's expanded scope and applicable incarceration penalty due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed prohibition is expected to be minimal.

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 \$2,900 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 variable medical care and variable operating costs) is about \$385 per month. Excluding all medical care, the average variable costs total \$170 per month.

Additional Information

Prior Introductions: None.

Cross File: SB 640 (Senator Ramirez, *et al.*) - Judicial Proceedings.

Information Source(s): Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2012
mc/hlb

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