

**Department of Fiscal Services**  
 Maryland General Assembly

**FISCAL NOTE**

House Bill 152 (Delegate Conway, *et al.*)  
 Judiciary

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**Firearms - Mandatory Sentences**

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This bill imposes a mandatory 25-year sentence for using a “firearm” in a felony or violent crime. The sentence may not be suspended, and the offender is ineligible for parole.

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**Fiscal Summary**

**State Effect:** Indeterminate but potentially significant increase in general fund expenditures. No effect on revenues.

**Local Effect:** None.

**Small Business Effect:** None. This bill would directly affect small businesses.

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**Fiscal Analysis**

**Background:** Under current law penalties for using a firearm in a violent crime or felony depend on the type of firearm and whether or not it is a first offense, as shown below.

<u>Weapon</u>	<u>Offense</u>	<u>Sentence</u>	<u>Mandatory Minimum</u>
Handgun/antique	First	5 to 20 years	5 years - no parole
Handgun/antique	Subsequent	5 to 20 years	5 years (consecutive)
Assault weapon	First	5 to 20 years	5 years - no suspension; no parole
Assault weapon	Subsequent	10 to 20 years	10 years (consecutive)

**State Expenditures:** General fund expenditures could increase as a result of the bill’s increased incarceration penalty, as more people may be committed to Division of Correction facilities for longer periods. Any increase would depend upon the number of convictions and sentences imposed.

In fiscal 1996 there were 713 inmates admitted to Division of Correction (DOC) facilities with handgun violations that were not the most serious offense. Cases in which the handgun offense was the most serious offense are excluded because felonies and violent crimes are more serious than handgun offenses, and this bill only increases the penalties for using a firearm in the commission of a felony or violent crime. In addition, there were 658 people placed on probation with handgun violations that were not the most serious offense. Some or all of these 1,371 offenders would have been subject to the mandatory 25-year minimum sentence imposed by this bill.

While this bill is likely to increase the DOC population, the increase would depend on the additional amount of time served. Because these offenders are also being sentenced for more serious offenses which have significant incarceration penalties (such as life without parole), the increase cannot be reliably estimated at this time. For example, assuming 1,371 felony or violent firearm offenders are sentenced each year and serve one additional year, general fund expenditures would increase by \$24.7 million, and the DOC would need one additional prison. For illustrative purposes, the Western Correctional Institution currently under construction in Allegany County will cost an estimated \$124 million for 1,680 beds.

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**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction), Department of Fiscal Services

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