

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 727

(Senator Smith, *et al.*)

Judicial Proceedings

Judiciary

Criminal Procedure - Firearms - Notification

This bill requires the State’s Attorney to notify the court, before a defendant is sentenced, if the defendant has been “convicted of a disqualifying crime.” On receiving notice from the State’s Attorney, the court must inform a person “convicted of a disqualifying crime,” both verbally and in writing, that the person is prohibited from possessing regulated firearms, rifles, and shotguns. Failure of a defendant to receive the required notice is not (1) grounds for appeal or any post conviction relief or (2) a defense in a prosecution for a violation of provisions that prohibit possession of a regulated firearm, shotgun, or rifle by a person convicted of a disqualifying crime.

Fiscal Summary

State Effect: General fund expenditures increase by \$63,800 in FY 2018 only for the Judiciary to reprogram its computer system. The bill may also have operational impacts on the District Court. Revenues are not affected.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	63,800	0	0	0	0
Net Effect	(\$63,800)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: While the bill may have operational impacts on the circuit courts, local State’s Attorneys’ offices can implement the bill with existing resources.

Small Business Effect: None.

Analysis

Current Law: A “disqualifying crime” means a crime of violence, felony, or a misdemeanor that carries a statutory penalty of more than two years. “Convicted of a disqualifying crime” includes a case in which a person received probation before judgment for a crime of violence and a case in which a person received probation before judgment in a domestically related crime. “Convicted of a disqualifying crime” does not include a case in which a person received a probation before judgment for second-degree assault or a crime which was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.

State law provides an exception to the prohibition against wearing, carrying, or transporting a handgun by a person who is carrying a court order to surrender the weapon if the handgun is unloaded, the person has notified law enforcement that the handgun is being transported in accordance with the court order, and the person transports the handgun directly to the law enforcement unit. A similar exception is provided for the transportation of a rifle or shotgun for surrender to a law enforcement unit.

A “crime of violence” (under § 5-501 of the Public Safety Article) means (1) abduction; (2) first-degree arson; (3) first- or second-degree assault; (4) first-, second-, or third-degree burglary; (5) carjacking and armed carjacking; (6) first-degree escape; (7) kidnapping; (8) voluntary manslaughter; (9) maiming; (10) mayhem; (11) first- or second-degree murder; (12) first- or second-degree rape; (13) robbery; (14) robbery with a dangerous weapon; (15) first-, second-, or third-degree sexual offense; (16) home invasion; (17) an attempt to commit offenses 1 through 16; or (18) assault with the intent to commit offenses 1 through 16 or a crime punishable by imprisonment for more than one year.

State Expenditures: Under the bill, the courts are responsible for informing a person that he/she is prohibited from possessing a firearm. Although not required by the bill, the Judiciary advises that information needs to be recorded in the Judicial Information System regarding persons to which the bill’s requirements apply. In order to keep a record of such information, general fund expenditures increase by \$63,795 in fiscal 2018 only for the Judiciary to reprogram its computer system. This estimate assumes that the bill requires approximately 753 computer programming hours.

Local Expenditures: The Judiciary advises that the bill likely results in operational impacts on the circuit courts to provide the required information to a person convicted of a disqualifying crime. The State’s Attorney’s Association advises that the bill’s requirements can be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: Although HB 1424 (Delegate Atterbeary, *et al.* – Judiciary) is designated as a cross file, it is different.

Information Source(s): Judiciary (Administrative Office of the Courts); State's Attorney's Association; Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2017
md/lgc Third Reader - April 10, 2017
Revised - Amendment(s) - April 10, 2017

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