
MSCCSP



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TO: House Judiciary Committee

FROM: MSCCSP

RE: House Bill 315, *Regulated Firearms - Department of State Police - Reporting Requirements*

DATE: January 31, 2024

POSITION: Informational purposes

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) submits this statement for informational purposes regarding HB 315 (2024). HB 315 reassigns a firearm reporting requirement first mandated in HB 824 (2023) to an alternative agency.

HB 824 (2023), as originally written, had no impact on the MSCCSP. However, a late amendment to the bill required a report about the number of charges, convictions, and sentences for two specific firearm offenses, disaggregated by jurisdiction, race, and gender. This amendment was passed during a voting session in Judicial Proceedings. The firearm report amendment as originally proposed called for the Department of the State Police to report the information; however, the amendment was altered based on a misunderstanding that the MSCCSP already collects and aggregates this data statewide. However, the MSCCSP does not collect and aggregate all this data statewide. The MSCCSP collects data for guidelines-eligible circuit court convictions. The MSCCSP does not collect data on charges, District Court convictions, or non-guidelines-eligible circuit court convictions. Therefore, the MSCCSP cannot provide any information as to the number of charges for these two respective statutes, CR, § 4-203 and PS, §5-133(d). Further, the MSCCSP cannot provide a full enumeration of sentences for these two statutes because both offenses can be prosecuted in the District Court. The sentencing guidelines do not apply in District Court, therefore the MSCCSP has no data on District Court convictions or sentences. As of CY 2019, 65% of sentences for violations of CR, § 4-203 were guidelines-eligible, and 83% of sentences for violations of PS, § 5-133(d) were guidelines-eligible.

To summarize, the MSCCSP collects no data regarding charges, and the sentencing guidelines data are limited to a subset of convictions for these two statutes. The MSCCSP provided a revised fiscal and operational impact statement for HB 824 during the 2023 session explaining the limitations of the MSCCSP's data and the bill's substantial fiscal impact on the agency. Given that the MSCCSP does not collect the required data and given the small size of the MSCCSP budget/staff, the MSCCSP does not have the resources necessary to facilitate the additional data collection and reporting requirements.