

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 421  
Judiciary

(Delegate Attar)

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**Criminal Law - Use or Possession of a Machine Gun in the Commission or Attempted Commission of a Felony**

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This bill prohibits a person from using or possessing a machine gun in the commission or attempted commission of a felony. Violators are guilty of a felony punishable by imprisonment for up to 20 years.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's penalty provisions.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under current law, a person is prohibited from using or possessing a machine gun in the commission or attempted commission of a crime of violence. A violator is guilty of a felony punishable by imprisonment for up to 20 years.

“Crime of violence” means the following offenses or an attempt to commit the following offenses: murder in any degree; manslaughter; kidnapping; rape in any degree; assault in the first degree; robbery under § 3-402 of the Criminal Law Article; robbery under § 3-403 of the Criminal Law Article (robbery with a dangerous weapon); burglary in any degree; home invasion under § 6-202(b) of the Criminal Law Article; escape in the first degree; or theft.

“Machine gun” means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.

**State Expenditures:** The Office of the Public Defender (OPD) advises that the anticipated workload generated by the bill requires one additional felony attorney, at a cost of \$94,604 in fiscal 2025 and increasing to \$129,873 by fiscal 2029. The Department of Legislative Services advises that the bill is unlikely to necessitate additional OPD staff. Based on statistics for the existing offense involving a crime of violence, few individuals are likely to be charged under the bill. Also, OPD clients facing charges for the offense established under the bill are likely to be charged with other serious offenses.

The Department of Public Safety and Correctional Services advises that during fiscal 2023, the Division of Corrections received zero individuals and the Division of Parole and Probation supervised three individuals for the offense of using a machine gun in the commission of a crime of violence.

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### **Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Baltimore, Charles, and Howard counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 2, 2024  
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