

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 81 (Senator Sfikas)
Judicial Proceedings

**Handguns - Use in Commission of a Felony or Crime of Violence -
Mandatory Sentence**

This bill imposes a mandatory, consecutive sentence of 5 to 20 years in prison for use of a handgun in a felony or violent crime. Convicts are ineligible for parole for at least five years.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures. Revenues are not affected.

Local Effect: None.

Fiscal Analysis

Background: Under current law, persons who use handguns in felonies or violent crimes may be convicted of a separate misdemeanor offense which carries a separate penalty of 5 to 20 years imprisonment. Current law makes a distinction between first and subsequent offenses, as shown below:

<u>Offense</u>	<u>Parole eligibility</u>	<u>Sentence served</u>
First, under current law	No	Concurrently
Subsequent, under current law	Yes	Consecutively
Proposed by SB 81	No	Consecutively

In 1995 the Division of Correction (DOC) received 661 inmates who were convicted of handgun offenses. The division is unable to determine how many of these cases were for

first or second offenses.

State Expenditures: General fund expenditures could increase as a result of the bill's increased incarceration penalty due to people being committed to a DOC facility for longer periods of time, depending upon the number of convictions and sentences imposed. In fiscal 1997 the average monthly cost per inmate is estimated at \$1,400. Requiring that the sentence be served consecutively for first-time offenders and removing parole eligibility for subsequent offenders would likely increase the amount of time offenders are incarcerated. While the DOC received 661 handgun violators in 1995, it is unknown how many were first-time offenders and how many were subsequent offenders. In addition, this count is both overly broad (including non-felony convictions) and may be under-inclusive. As a result, the increase in length of incarceration cannot be reliably determined as this time, although it could be significant.

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

Fiscal Note History: First Reader - January 22, 1996

ncs

Analysis by: Robert C. Bates

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710