

Department of Fiscal Services
 Maryland General Assembly

FISCAL NOTE

House Bill 108 (Delegate Conway)
 Judiciary

Firearms - Mandatory Sentences

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.

Fiscal Summary

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

Local Effect: None.

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>Served</u>	<u>Parole</u>
Handgun/antique	First	5 to 20 years	Concurrent	No
Handgun/antique	Subsequent	5 to 20 years	Consecutive	Yes
Assault weapon	First	5 to 20 years	Concurrent	No
Assault weapon	Subsequent	10 to 20 years	Consecutive	Yes

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 1995 there were 468 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 582 people placed on probation with handgun violations that were not the most serious offense. Some or all of these 1,050 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 1,050 felony or violent firearm offenders are sentenced each year and serve one additional year, general fund expenditures would increase by \$17.6 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 \$112 million for 1,296 beds.

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

Fiscal Note History: First Reader - March 7, 1996

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