

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 820 (Delegate Kelly)  
Judiciary

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Crimes - Firearms - Penalties

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This bill makes it a felony, rather than a misdemeanor, to (1) recklessly discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another; or (2) knowingly participate in a straw purchase of a regulated firearm to a prohibited person or to a minor, or to transport a regulated firearm into the State for the purpose of illegal sale or trafficking of a regulated firearm. The current law penalties for these crimes is left unchanged.

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Fiscal Summary

**State Effect:** Indeterminate increase in general fund expenditures due to applicable penalty provisions. Indeterminate minimal decrease in revenues.

**Local Effect:** Indeterminate increase in revenues and expenditures due to applicable penalty provisions.

**Small Business Effect:** None. The bill would not directly affect small businesses.

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Fiscal Analysis

**State Revenues:** Since felonies are not heard in the District Court, general fund revenues could decrease as a result of the applicable fines not being collected. The maximum fine for recklessly discharging a firearm from a motor vehicle is \$5,000. The maximum fine for straw purchases or for transporting or trafficking regulated firearms is \$25,000.

**State Expenditures:** Changing these crimes from misdemeanors to felonies means that these cases will be filed in the circuit courts rather than the District Court. Unless there is a major change in sentencing patterns, expenditures relating to incarceration should not be materially affected. Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1998 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1998. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1998 is estimated at \$43 per inmate.]

**Local Revenues:** By changing these crimes from misdemeanors to felonies, cases that could have been filed in District Court will be filed solely in the circuit courts. Data is not currently available to indicate the number of convictions for these specific offenses. However, the number is assumed to be small. Accordingly, this bill should not significantly increase local revenues resulting from the applicable monetary provision.

**Local Expenditures:** Unless there is a major change in sentencing patterns, expenditures relating to incarceration should not be materially affected. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83 per inmate in fiscal 1998. As the number of convictions is believed to be relatively small in fiscal 1996, it is assumed that this bill would not significantly impact local expenditures.

**Additional Comments:** It might also be noted that the change of a crime from misdemeanor to felony status could confer an additional seriousness (and penalty) to various other crimes committed as part of the same incident. The extent to which additional felony convictions may affect sentencing for other crimes cannot be reliably estimated.

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

**Fiscal Note History:** First Reader - March 11, 1997

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