

Department of Fiscal Services  
Maryland General Assembly

**FISCAL NOTE**

Senate Bill 660 (Senator Currie)  
Judicial Proceedings

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**Regulated Firearms - Possession After Conviction of Crime of Violence - Penalties**

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This bill establishes a mandatory minimum sentence for a person who is convicted of possessing a regulated firearm after having been previously convicted of a crime of violence. Under current law, a person convicted of this violation is subject to a fine of \$10,000 and/or imprisonment of up to five years. The bill raises the incarceration penalty to at least five years and not more than 20 years for the first offense. The minimum five year sentence is mandatory and may not be suspended by the court.

The bill also provides that the incarceration penalty for a second or subsequent offense of this violation must be at least ten years and not more than 20 years. The minimum ten-year sentence is mandatory and may not be suspended. The bill further provides that an individual convicted and sentenced in this manner is not eligible for parole except in cases involving inmates of the Patuxent Institute.

The bill is to be construed prospectively only.

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**Fiscal Summary**

**State Effect:** Indeterminate effect on general fund expenditures due to the bill's penalty provisions as discussed below. Revenues would not be affected.

**Local Effect:** Potential minimal decrease in expenditures as discussed below. Revenues would not be affected.

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

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**Fiscal Analysis**

**State Expenditures:** In fiscal 1996 there were 1,117 people admitted to Division of Correction (DOC) facilities for weapons violations. The average sentence for these offenders is approximately 36 months. Additionally, 983 people were placed on probation for weapons

violations. It is assumed that the majority of these weapons violations involved regulated firearms. It is also assumed that a significant number of such offenders had been convicted of previous crimes of violence. Based on the above cited conviction rates, general fund expenditures could increase as a result of the bill's incarceration penalty, due to more people being committed to Division of Correction facilities for longer periods. Any such increase would depend upon the number of convictions and sentences imposed.

People serving a sentence longer than one year are incarcerated in a Division of Correction facility. In fiscal 1998 the average monthly cost per inmate is estimated at \$1,500. Currently, the average time served is 18 months, or 50% of the imposed sentence. For illustrative purposes, under the bill, the time served would increase by 42 months. Thus State costs could increase by \$63,000 for each person imprisoned under this bill, beginning in the second half of fiscal 1999. In addition, for those persons who would have received probation and under the bill's provisions would be subject to the minimum sentence, the time served would increase by 60 months. Thus State costs could increase by \$90,000 for each of these persons who would be imprisoned under this bill.

Under current law, offenders may be sentenced to a term of imprisonment for less than one year and would serve that sentence in a local detention facility. The State reimburses counties for part of the per diem rate after a person has served 90 days. Since this bill provides for a minimum sentence of five years, the sentence could not be served in a local detention facility. Therefore, general fund expenditures could also decrease as a result of decreased payments to counties for reimbursement of inmate costs.

**Local Expenditures:** Expenditures could decrease by an indeterminate amount due to fewer people being sentenced to local detention facilities as discussed above.

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**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction, Division of Parole and Probation, Parole Commission); Department of Fiscal Services

**Fiscal Note History:** First Reader - March 6, 1997  
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