

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 808 (Delegate Kelly)  
Judiciary

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**Firearms - Disarming a Law Enforcement Officer - Penalty**

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This bill establishes a ten-year mandatory minimum sentence, and a 20-year maximum sentence, for knowingly removing or attempting to remove a firearm from the possession of specified law enforcement personnel. Under current law violators are subject to maximum penalties of a \$10,000 fine and/or imprisonment of ten years.

The bill specifies that a person sentenced under these provisions is not eligible for parole, and that the sentence must be served consecutive to a sentence for any offense based on an underlying act. Current law allows, rather than requires, consecutive or concurrent sentencing for this offense. The bill eliminates the current law fine.

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**Fiscal Summary**

**State Effect:** Potential indeterminate general fund expenditure increase due to increased incarceration penalty provisions as discussed below. Revenues would not be affected.

**Local Effect:** Potential decrease in revenues due to the elimination of the monetary penalty. Expenditures would not be affected.

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

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**Fiscal Analysis**

**State Expenditures:** General fund expenditures could increase as a result of the bill's increased incarceration penalty and required consecutive sentencing, due to people being committed to a Division of Correction (DOC) facility for longer periods of time.

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. For illustrative purposes, under the current law maximum incarceration penalty the average time served would be 60 months (50% of the maximum sentence). Under this bill the minimum time served would be 120 months. Thus State costs could increase by \$90,000 for each person imprisoned under the bill. Since current law does not provide for a mandatory minimum sentence, it is uncertain how soon the actual effect of this bill would be felt.

**Local Revenues:** Under current law, these cases are generally heard in the circuit courts. The mandatory minimum sentence required by this bill means that all cases involving this offense would be heard in the circuit courts. Local revenues could decrease due to the bill's elimination of the monetary penalty provision.

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

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