

Department of Legislative Services
 Maryland General Assembly
 1999 Session

FISCAL NOTE

House Bill 904 (Delegate Conway, *et al.*)

Judiciary

Firearms - Mandatory Sentences

This bill imposes a mandatory minimum 25-year sentence for using a “firearm” in the commission of a felony or violent crime. The sentence may not be suspended, and the offender is ineligible for parole.

Fiscal Summary

State Effect: Potential significant general fund expenditure increases due to the bill’s increased incarceration penalty provisions. Revenues would not be affected.

Local Effect: None.

Small Business 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>Mandatory Minimum</u>
Handgun/antique	First	5 to 20 years	5 years - no parole
Handgun/antique	Subsequent	5 to 20 years	5 years (consecutive)
Assault weapon	First	5 to 20 years	5 years - no suspension; no parole
Assault weapon	Subsequent	10 to 20 years	10 years (consecutive)

State Expenditures: In fiscal 1998 there were 455 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 803 people placed on probation with handgun violations that were not the most serious offense. Some or all of these 1,258 offenders would have been subject to the mandatory 25-year minimum sentence imposed by this bill.

Accordingly, general fund expenditures could increase significantly as a result of the bill's increased incarceration penalties due to a significant number of people being committed to DOC facilities for longer periods of time. This bill could increase the average daily population in DOC facilities to the extent that additional beds, personnel, infrastructure improvements, or a new prison facility will be necessary. The cost of building a new medium security 1,300 bed prison facility is currently estimated at \$112 million.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,600 per month. The average variable cost of housing a new inmate (food, medical costs, etc.), excluding overhead, is \$275 per month. 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.

However, for illustrative purposes, under current sentencing practices the average actual time served for the 1,258 offenders is expected to be 12 years, or 144 months. Under this bill, the time served would be 300 months. Assuming full inmate costs of \$1,600 per month, State costs could increase by \$249,600 for each person imprisoned under the bill. If only 10% of the 1,258 offenders (126) were subject to this mandatory sentence, State costs would increase by \$31.4 million. These costs would not begin to be felt until fiscal 2012 and would continue as additional costs until fiscal 2025.

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

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