

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 974 (Delegate J. Kelly)

Judiciary

Firearms - Disarming a Law Enforcement Officer - Penalty

This bill establishes a 10-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. The bill prohibits the 10-year mandatory minimum sentence from being suspended. Under current law violators are subject to maximum penalties of a \$10,000 fine and/or imprisonment of 10 years.

The bill specifies that a person sentenced under these provisions is not eligible for parole in less than 10 years, 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.

Fiscal Summary

State Effect: Potential minimal general fund expenditure increase due to the bill's increased incarceration penalty provisions. Revenues would not be affected.

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

Small Business Effect: None.

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. The number of people convicted of this proposed crime is expected to be minimal.

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 bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month. For illustrative purposes, under the current law maximum incarceration penalty, the average time served would be 72 months (60% of the maximum sentence). Under this bill, the minimum time served would be 120 months. Assuming the variable inmate costs of \$275 per month, State costs could increase by \$13,200 for each person imprisoned under the bill.

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. However, local revenues could decrease due to the bill's elimination of the monetary penalty provision.

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

Fiscal Note History: First Reader - March 1, 1999

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