

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 1064 (Delegate J. Kelly)

Judiciary

Crimes - Firearms - Penalties

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.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues due to a change in court jurisdiction. Expenditures should not be affected.

Local Effect: Potential minimal increase in revenues and expenditures due to a change in court jurisdiction. Expenditures should not be affected.

Small Business Effect: None.

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

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.

In any event, persons serving a sentence longer than one year are incarcerated in Division of Correction (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 DOC inmate (food, medical care, etc.), excluding overhead, is \$275 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2000 are estimated to range from \$8 to \$48 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions.

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. In any event, 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 \$15 to \$80 per inmate in fiscal 2000.

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.

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

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