

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 246 (Delegate Amedori. *et al.*)

Judiciary

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**Firearms - Possession After Criminal Convictions - Mandatory Sentences**

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This bill expands a current law prohibition against a person possessing a firearm if there has been a previous conviction of a crime of violence. Specifically, the bill: (1) expands the prohibited acts to include possessing, owning, wearing, carrying, or transporting a firearm; (2) broadens the definition of “crime of violence;” (3) expands the definition of “firearm;” and (4) makes the offense a felony, subjecting violators to a mandatory minimum, non-parolable sentence of five years and a maximum sentence of 20 years.

Subsequent offenders are subject to a mandatory minimum, non-parolable sentence of ten years and a maximum sentence of 20 years. The bill also prohibits subsequent violators from receiving probation before judgment.

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**Fiscal Summary**

**State Effect:** Potential significant increase in expenditures due to increased incarceration penalty provisions. Revenues would not be affected.

**Local Effect:** Potential significant decrease in expenditures due to increased incarceration penalty provisions. Revenues would not be affected.

**Small Business Effect:** None.

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## Analysis

**Current Law:** The prohibition against a person possessing a firearm after having been convicted of a violent crime is a misdemeanor which subjects violators to maximum penalties of a fine of \$1,000 and/or imprisonment for one year.

**State Expenditures:** This bill's changes relating to the crime of illegally possessing a firearm when there has been a prior crime of violence, including changing the offense from a misdemeanor to a felony, means that: (1) such persons would be subject to considerably stiffer sentencing; (2) such cases will be filed in the circuit courts rather than the District Court; and (3) some persons could eventually serve longer incarcerations due to enhanced penalty provisions applicable to some offenses for prior felony convictions.

In fiscal 1999, the Division of Correction (DOC) had 574 intakes for handgun-related violations, and the Division of Parole and Probation had 740 such intakes. Accordingly, it is assumed that this bill would increase the number of persons incarcerated per year by over 1,300 persons. It is also estimated that the term of incarceration for each new handgun offense intake would increase by 18 months. The new intakes represented here do not include those with misdemeanor handgun convictions who now serve their sentence (less than one year) in a local detention facility. The bill's expansion of prohibited acts, broader definition of "crimes of violence," and expanded definition of "firearm" would also tend to add to DOC costs, but cannot be reliably estimated.

In any event, general fund expenditures could increase significantly as a result of the bill's stiffer incarceration penalties due to significantly more people being committed to DOC facilities for longer periods of time, despite decreased payments to counties for reimbursement of inmate costs. 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. Based on a cost of approximately \$105,000 per bed, the cost of building a new medium security 1,300 bed prison facility is currently estimated at \$136.5 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 \$1,700 per month. The average variable cost of housing a new inmate (food, medical costs, etc.), excluding overhead, is \$260 per month. For illustrative purposes only, under the bill's mandatory minimum sentencing provisions, the average time served would be 18 months greater than that for current intakes. Assuming full inmate costs of \$1,700 per month, State costs could increase by \$30,600 for each person imprisoned under the bill, and by \$40,208,400 assuming 1,300 persons are subject to the sentencing provisions of the bill.

Such an increase in costs would not be felt until after fiscal 2006.

This bill could also provide for some minimal temporary savings for the Division of Parole and Probation. The estimated number of all intakes for Parole and Probation for fiscal 2001 is 52,200. A reduction in intakes of 740 persons represents a decrease of less than 1.5%. Such a decrease is not expected to have a measurable effect on the agency's operations and finances. In any case, the convicted persons not immediately remanded to Parole and Probation are presumed to eventually represent new intakes for the agency after the mandatory minimum sentence is served. It is noted that the agency's fiscal 2001 budget request includes nearly \$1.6 million to hire an additional 54 agents as part of a caseload reduction initiative.

**Local Expenditures:** Changing applicable maximum incarceration provisions from one year to mandatory minimum sentences of five years means that convicted persons would no longer serve their sentences in local detention facilities. Accordingly, local expenditures could decrease significantly as a result of the bill's changes, but only to the extent that an offender would have been successfully prosecuted under the current statute and given a sentence near the maximum. 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 \$22 to \$83 per inmate in fiscal 2001.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction), State Commission on Criminal Sentencing Policy, Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2000  
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