

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1356 (Delegate Valderrama)

Judiciary

Handguns - Local Regulation

This bill authorizes each county, municipal corporation, and special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of handguns, provided that such regulation is more stringent than that provided under State law.

Fiscal Summary

State Effect: While it is unknown how many local governments would enact such provisions, any such enactment (such as a ban on certain types of weapons or ammunition) would not displace any current law State regulation of handguns. No local jurisdiction is empowered to provide for criminal or civil penalties greater than those already in place for handgun regulation under State law.

Local Effect: Since it is unknown which local governments, if any, would choose to enact such provisions, any potential effects arising from this bill on local revenues or expenditures cannot be reliably estimated.

Small Business Effect: Potential meaningful. Stricter local regulation of handguns could have a meaningful effect on any small business engaged in that industry in a particular locality. Depending on the nature of such a local enactment, this could cause an increase in the cost of doing business, and could also result in certain businesses having to close or relocate.

Analysis

Current Law: The State preempts the rights of any county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of handguns and other firearms and ammunition whether by law, ordinance, or regulation. However, any county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of a handgun with respect to minors; activities on or within 100 yards of parks, churches, schools, public buildings, or other places of public assembly; and law enforcement personnel of the subdivision.

Maryland's eight charter counties are authorized by statute to impose penalties by local enactment of up to a fine of \$1,000 and/or imprisonment for six months. The State's code counties are not so empowered. Maryland's 156 municipal corporations all have home rule and as such may enact local ordinances with maximum criminal or civil penalties of a fine of \$1,000 and/or imprisonment for six months. Baltimore City's similar authority allows imposition of maximum criminal or civil penalties of a fine of \$1,000 and/or imprisonment for 12 months.

Additional Information

Prior Introductions: In 1994, a similar bill (HB 1495) was not reported from the House Judiciary Committee.

Cross File: None.

Information Source(s): Prince George's County, Town of La Plata, Department of Legislative Services

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mld/jr

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