

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 201 (Chairman, Judiciary Committee and Delegate Pitkin)

(Departmental – State Police)

Judiciary

Explosives - Restrictions

This departmental bill prohibits the sale and distribution of any smokeless powder, black powder, or other specified explosives to a person under age 21. The bill prohibits a person under age 21 from possessing, using, selling, or distributing those same explosives. The bill exempts persons under age 21 from such actions if acting within the scope of their employment, or for use in firearms for reenactment purposes, sport hunting, or shooting purposes. The bill also prohibits a person under age 21 from using false identification to obtain or attempt to obtain such materials. Current law penalties relating to prohibitions on “explosives for use in firearms” are applied under this bill’s provisions.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

Local Effect: Minimal increase in expenditures due to the bill’s penalty provisions. Revenues are not expected to be affected.

Small Business Effect: The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Prohibitions against the sale, distribution, possession, or use of explosives are not contingent upon the age of the persons involved. Current law provides that up to five pounds of these explosive powders may be purchased without a license from the State Fire Marshal. Federal law prohibits only the sale of black powder to persons under age 21.

Violators of current law prohibitions applicable to “explosives for use in firearms” are guilty of a misdemeanor and subject to maximum penalties of a fine of \$500 and/or imprisonment for six months.

Convictions arising out of the same transaction prohibited under other specified sections of this subtitle must merge with convictions under this section. Penalties for felony convictions under this subtitle must preempt those that would otherwise be imposed under this section.

State Revenues: General fund revenues could increase minimally as a result of the application of current law monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the application of current law incarceration penalties due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. 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 2002 are estimated to range from \$9 to \$52 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,700 per month. This 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 \$288 per month.

Local Revenues: None. These cases are generally expected to be heard as misdemeanors in the District Court.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration 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 \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

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