

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Senate Bill 384 (Senator Hoffman, *et al.*)

Judicial Proceedings

Minors' Access to Firearms - Felony

This bill changes from a misdemeanor to a felony the current law prohibition against a person storing or leaving a firearm in any location where a minor could gain access. The bill increases maximum penalties for this offense from a fine of \$1,000 to a fine of \$5,000 and/or imprisonment for three years. In addition, the bill eliminates a provision that the offense only occurs when the firearm is loaded and the individual knew or should have known that a minor would gain access to the weapon.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's new incarceration penalty provision. Potential minimal general fund revenue decrease from fines as jurisdiction for these cases would likely shift from the District Court to the circuit courts.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's increased penalty provisions and the shift in jurisdiction for these cases from the District Court to the circuit courts.

Small Business Effect: None.

Analysis

Current Law: With certain exceptions, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony. Felony cases are generally within the jurisdiction of the circuit courts. A person may not store or leave a loaded

firearm in any location where the individual knew or should have known that an unsupervised minor would gain access to the firearm. Violators are guilty of a misdemeanor and subject to a maximum fine of \$1,000.

State Revenues: General fund revenues could decrease minimally as a result of the bill's increased monetary penalty provision since these cases would likely be heard in the circuit courts.

State Expenditures: Changing crimes from misdemeanors to felonies means: (1) that such cases will likely be filed in the circuit courts rather than the District Court; and (2) some persons could eventually serve longer incarcerations due to enhanced penalty provisions, applicable to some offenses, for prior felony convictions. It is not known whether, under this bill's provisions, the prospect of a jury trial might spur more plea bargains and affect actual sentencing practices for this offense.

In any event, general fund expenditures could increase minimally as a result of the bill's new incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed felony 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 \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$288 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 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 DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues could increase minimally as a result of the bill's increased monetary penalty provision since these cases would likely be heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. 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 \$17 to \$77 per inmate in fiscal 2002.

Additional Information

Prior Introductions: A similar bill, SB 210, was introduced in 1999. It received an unfavorable report from the Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Office of the Public Defender, Department of Legislative Services

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ef/jr

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