

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

House Bill 919      (Delegate Hutchins)  
Judiciary

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**Crimes - Use of a Firearm in the Commission of a Felony or Crime of Violence**

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This bill expands an existing prohibition against the use of handguns and antique firearms in the commission of a felony or crime of violence by including the use of any other firearms under the prohibition. The bill also eliminates the need for a firearm to be capable of concealment for a violation to occur.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's expanded prohibition. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person who uses a handgun or an antique firearm capable of being concealed on the person in the commission of any felony or any crime of violence, whether operable or inoperable at the time of the offense, is guilty of a separate misdemeanor and, in addition to any other sentence imposed for the underlying felony or misdemeanor, is subject to the following penalties: (1) for a first offense, incarceration for a term of not less than a mandatory minimum nonparolable sentence of five years and not more than 20 years; and (2) for a second or subsequent offense, incarceration for a term of not less than a mandatory minimum nonparolable sentence of five years and not more than 20 years, which must be served consecutively and not concurrently to any

other sentence imposed for the underlying felony or misdemeanor. With certain exceptions, persons who are so convicted are prohibited from receiving a suspended sentence or probation before or after judgment.

**State Expenditures:** In fiscal 2000 the Division of Correction had an intake of 580 persons for all handgun violations. It is not known how many additional separate firearms offenses would occur under this bill where there was the commission of an underlying felony or crime of violence. In any event, general fund expenditures could increase minimally as a result of the bill's changes due to people being committed to Division of Correction (DOC) facilities for longer periods of time. The number of people convicted under this bill's expanded prohibition cannot be reliably predicted.

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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 785 (Senator Forehand) – Judicial Proceedings.

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

**Fiscal Note History:** First Reader – March 11, 2001  
mld/jr

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