

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Revised

House Bill 195

(Chairman, Judiciary Committee and Delegate Grosfeld)

Judiciary

Judicial Proceedings

Dangerous Weapons - Minors - Civil Offense

This bill makes the following offenses, when committed by a minor, civil offenses rather than criminal misdemeanors: (1) possession of pepper mace other than for the purpose of using it as a reasonable precaution against apprehended danger (as determined by the court in each case); and (2) for a minor living in specified counties, carrying a dangerous weapon between one hour after sunset and one hour before sunrise, unless on a bona fide hunting trip, trap shoot, sport shooting event, or any organized civic or military activity.

The bill authorizes a police officer to issue a citation to a child if the officer has probable cause to believe the child committed one of the above offenses. The bill also provides specified procedures for informal and formal processing of these offenses as well as specified dispositions.

Fiscal Summary

State Effect: These changes are procedural in nature and not expected to have any significant impact on State operations or finances.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Current Law: A minor is guilty of a criminal misdemeanor (as opposed to a civil delinquent act) for committing either of the following offenses:

- possession of pepper mace other than for the purpose of using it as a reasonable precaution against apprehended danger (as determined by the court in each case); and
- for a minor living in Anne Arundel, Baltimore, Caroline, Cecil, Harford, Kent, Montgomery, Prince George's, St. Mary's, Talbot, Washington, or Worcester counties, carrying a dangerous weapon between one hour after sunset and one hour before sunrise, unless on a bona fide hunting trip, trap shoot, sport shooting event, or any organized civic or military activity.

On conviction for unlawful possession of pepper mace, a minor is subject to imprisonment not exceeding three years or a fine not exceeding \$1,000 or both. On conviction for unlawfully carrying a dangerous weapon between one hour after sunset and one hour before sunrise, a minor is subject to imprisonment not exceeding three years or a fine not exceeding \$1,000.

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, the committee encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the revisor's notes to House Bill 11, the Criminal Law Article code revision bill, the committee recommended that the General Assembly address these issues. This is one of several bills resulting from these recommendations.

Except for very serious offenses, minors are generally subject to the civil jurisdiction of the juvenile court for violations that would be considered crimes if committed by adults. In the revisor's note to Criminal Law Article § 4-101, the committee noted that the statute technically requires that minors be prosecuted in adult criminal court for these dangerous weapons offenses, although in practice they apparently are processed in juvenile court.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - January 24, 2002
ncs/cer Revised - House Third Reader - March 15, 2002

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