

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1075

(Delegate Valderrama, *et al.*)

Judiciary

Regulated Firearms - Interstate Importing - Prohibited

This bill prohibits the importation of regulated firearms into the State. A violator is guilty of a misdemeanor and subject to maximum penalties of a fine of \$10,000 and/or imprisonment for five years. Each violation is considered a separate offense.

The bill repeals provisions that authorize a person to have regulated firearms from out-of-state sellers transported to the person.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Meaningful. This bill would have a significant impact on any regulated firearms dealer reliant on the importation of out-of-state products. Beretta USA, one of the nation's leading firearms companies, is the only gun manufacturer located in Maryland.

Analysis

Current Law: A regulated firearms dealer may not sell, rent, or transfer any regulated firearm until after seven days have elapsed from the time an application to purchase or transfer has been executed by the prospective purchaser or transferee, in triplicate, and

the original copy is forwarded by the prospective seller or transferor to the Secretary of State Police.

Any person who purchases a regulated firearm from an out-of-state licensed importer, licensed manufacturer, or licensed dealer where the regulated firearm will be owned by that person must: (1) have the regulated firearm shipped to a regulated firearms dealer in this State for processing; and (2) comply with all other current law provisions relating to the sale and transfer of regulated firearms, including the general limitation of one firearm purchase per person in any 30-day period.

The Secretary of State Police may waive the seven-day waiting period for law enforcement personnel of the United States government or any agency or department of the United States, members of the armed forces of the United States or of the national guard, or law enforcement personnel of this State or any local agency in this State when the person is purchasing the regulated firearm for use within the scope of his or her official duties.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's 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 crime is expected to be minimal.

Generally, 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 \$1,850 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 \$300 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 2003 are estimated to range from \$10 to \$61 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 monetary penalty provision from cases 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 \$20 to \$84 per inmate in fiscal 2003.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

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