

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 636 (Prince George's County Delegation)
Judiciary

Prince George's County - Weapons-Free School Zone
PG 310-02

This bill increases the penalty for carrying or possessing a firearm on school property and expands the definition of school property in Prince George's County. The bill makes the maximum penalties a \$10,000 fine and/or 10 years imprisonment for a first offense and \$30,000 and/or 15 years for a subsequent offense.

Fiscal Summary

State Effect: General fund revenue decrease and expenditure increase due to the bill's increased penalty provisions.

Local Effect: Revenue increase and expenditure decrease due to the bill's increased penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from carrying or possessing a rifle, gun, knife, or deadly weapon of any kind on any public school property. A violator of this prohibition using any weapon other than a handgun is guilty of a misdemeanor and subject to maximum penalties of a fine of \$1,000 or imprisonment for three years. The misdemeanor penalties for a violator using a handgun are as follows: (1) for a first offense, a fine of not less than \$250 and not more than \$2,500 and/or a sentence of not less than 90 days nor more than 3 years; (2) for a second offense, a mandatory minimum

sentence of 3 years and a maximum sentence of 10 years; and (3) for a third or subsequent offense, a mandatory minimum sentence of 5 years and a maximum sentence of 10 years.

Current law only addresses the issue of carrying weapons on any public school property throughout the State. There are no statutory provisions that specifically address an individual county. These provisions include the following exceptions:

- law enforcement officers in the regular course of their duty;
- persons hired by the boards of education in the counties and Baltimore City specifically for the purpose of guarding public school property;
- persons engaged in organized shooting activity for educational purposes; or
- persons who, with a written invitation from the school principal, display or engage in historical demonstrations using weapons or replicas of weapons for educational purposes.

State Revenues: The District Court generally hears less serious criminal cases. As the penalties for crimes are increased, there is the greater likelihood that the case would be transferred to the Prince George's County Circuit Court. Since the State receives all fines imposed in the District Court, transfer of cases to circuit courts may reduce general fund revenue by an indeterminate amount.

State Expenditures: Persons serving a sentence of one year or less are sentenced to the Prince George's County Correctional Center. The State reimburses the county for part of the per diem rate after 90 days. If sentences of more than one year are imposed, State payments to Prince George's County may decrease. Per diem payments to Prince George's County are expected to be approximately \$35 in fiscal 2003. The number of people convicted of this crime is expected to be minimal.

Any savings in per diem costs would be offset by increased costs to the Division of Correction (DOC). 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. *For illustrative purposes*, under the bill's maximum incarceration penalty for a first offense, the average time served would increase from 18 months to 120 months, or by 102 months. Assuming the medical and variable inmate costs of \$300 per month, State costs could increase by \$30,600 for each person imprisoned under the bill.

Local Revenues: Revenues could increase by an indeterminate amount as more cases are heard in the Prince George's County Circuit Court and higher fines are imposed.

Per diem reimbursement payments from the Department of Public Safety and Correctional Services to the Prince George's County Correctional Center could decrease by an indeterminate amount as more violators are sentenced to DOC instead of the county correctional center.

Local Expenditures: Expenditures could decrease by an indeterminate amount, as it would be more likely that a violator would be sentenced to DOC instead of the Prince George's County Correctional Center. Prince George's County Correctional Center per diem costs are estimated at \$70 for fiscal 2003.

Additional Information

Prior Introductions: A similar bill, HB 1208, was introduced in 2001 and received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Prince George's County, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2002
lsc/cer

Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510