

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 236 (Senators Stone and Hughes)
(Committee to Revise Article 27 – Crimes and Punishments)

Judicial Proceedings

Criminal Law - Wearing, Carrying, or Transporting a Handgun - Fine

This bill establishes maximum fines for certain second and subsequent crimes relating to wearing, carrying, or transporting a handgun.

Fiscal Summary

State Effect: General fund revenues could increase minimally as a result of the bill's new monetary penalty provisions from cases heard in the District Court. To the extent that fines are levied by courts instead of imprisonment penalties involving a State correctional facility – where that option was not available before – State correctional costs could be reduced.

Local Effect: Revenues could increase minimally as a result of the bill's new monetary penalty provisions from cases heard in the circuit courts. To the extent that fines are levied by courts instead of imprisonment involving a local correctional facility – where that option was not available before – local correctional costs could be reduced.

Small Business Effect: None.

Analysis

Bill Summary: Specifically, under penalty provisions applicable to the current law prohibitions against a person wearing, carrying, or transporting a handgun, this bill:

- establishes a maximum fine of \$10,000, if the person has one previous conviction for this offense (or for use of a handgun or antique firearm in the commission of a

crime of violence or a felony, for certain dangerous weapons offenses, or for carrying or possessing a deadly weapon of any kind on school property) and does not alter the current law imprisonment penalty (a maximum of ten years, with a one year minimum; and a mandatory minimum of three years if the handgun was worn, carried, or transported on public school property); and

- establishes a maximum fine of \$10,000, if the person has more than one previous conviction for this offense (or for use of a handgun or antique firearm in the commission of a crime of violence or a felony, for certain dangerous weapons offenses, or for carrying or possessing a deadly weapon of any kind on school property) and does not alter the current law imprisonment penalty (a maximum of ten years, with a three year minimum; a mandatory minimum of five years if the handgun was worn, carried, or transported on public school property or if the handgun was worn, carried, or transported with the deliberate purpose of injuring or killing a person).

Current Law: With certain exceptions, a person may not: (1) wear, carry, or transport a handgun, whether concealed or open, on or about the person; or (2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State.

There is a rebuttable presumption that a person who transports a handgun under these provisions transports the handgun knowingly.

A violator is guilty of a misdemeanor and, if not previously convicted under these provisions (or for use of a handgun or antique firearm in the commission of a crime of violence or a felony, for certain dangerous weapons offenses, or for carrying or possessing a deadly weapon of any kind on school property), subject to imprisonment for not less than 30 days and up to three years and/or a fine of not less than \$250 and up to \$2,500. If the handgun was worn, carried, or transported on public school property, a violator must be sentenced to not less than 90 days.

If there was one previous conviction for this offense or those cited above, the person must be sentenced for at least one year and up to ten years. If the handgun was worn, carried, or transported on public school property in the State, a person must be sentenced to three years and up to ten years.

If there was more than one previous conviction for this offense or those cited above, the person must be sentenced for at least three years and up to ten years. If the handgun was worn, carried, or transported on public school property or for the purpose of injuring or

killing another person, a person must be sentenced for at least five years and up to ten years.

Background: The Committee to Revise Article 27 was appointed in 1991 by the Speaker and the President and charged with making both substantive and stylistic changes to the State's criminal law. The committee is composed of legislators, judges, lawyers representing both defendants and the State, and a victims' rights representative. In past sessions the committee has successfully sponsored legislation to revise the laws on accessory before and after the fact, arson, assault, benefit of clergy, burglary, destructive devices, disorderly conduct, escape, leased or rented goods, Medicaid fraud, offensive contact, prostitution, robbery, sabotage, trespass, and victims' rights.

The specific fines for this crime were proposed under the rationale that the appropriate maximum fine should be calculated by multiplying by \$1,000 the maximum number of years of imprisonment authorized by statute.

Additional Information

Prior Introductions: In 2002, HB 665 and SB 757, which would have added and altered fines and penalties for a variety of specified crimes, received unfavorable reports from the House Judiciary Committee and Senate Judicial Proceedings Committee, respectively. The provisions of this bill were contained therein.

Cross File: HB 302 (Delegate Doory) – Judiciary.

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 - February 19, 2003
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