

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 177

(Delegate Menes, *et al.*)

Judiciary

**Public Safety - Task Force to Study Breaking and Entering of Shops Engaged in
the Retail Sale of Guns**

This bill creates a nine-member Task Force to Study Breaking and Entering of Shops Engaged in the Retail Sale of Guns. The bill specifies the membership of the task force and requires the Governor to designate a chairman. The task force is required to: (1) study the issue of breaking and entering of gun shops which results in firearm thefts; and (2) make recommendations regarding ways to improve the ability of shop owners to defend their premises against such crimes. The Department of State Police must provide staffing to the task force.

The task force is required to report to the Governor and the General Assembly by December 31, 2003. The bill's provisions are terminated after December 31, 2004.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for the Department of State Police are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None. Any eventual recommendations of the task force that may lead to savings for gun shop owners cannot be readily quantified.

Analysis

Current Law: A person may not break and enter the dwelling of another with the intent to commit theft or a crime of violence. A violator is guilty of the felony of first degree burglary and subject to maximum imprisonment for 20 years.

A person may not break and enter the storehouse of another with the intent to commit theft, a crime of violence, or arson in the second degree. A violator is guilty of the felony of second degree burglary and subject to maximum imprisonment for 15 years. A person may not break and enter the storehouse of another with the intent to steal, take, or carry away a firearm. A violator is guilty of the felony of second degree burglary and subject to maximum penalties of imprisonment for 20 years and/or a fine of \$10,000.

The term “storehouse” retains its judicially determined meaning, and includes: (1) a building or other construction, or a watercraft; (2) a barn, stable, pier, wharf, and any facility attached to a pier or wharf; (3) a storeroom or public building; and (4) a trailer, aircraft, vessel, or railroad car.

Background: Several such break-ins, by means of an automobile, have reportedly occurred in College Park and Beltsville.

Additional Information

Prior Introductions: None.

Cross File: SB 634 (Senator Giannetti) – Judicial Proceedings.

Information Source(s): Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2003
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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510