

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 762
Judiciary

(Delegates McMillan and Quinter)

Possession of Regulated Firearms - Convicted Felons

This bill alters and clarifies certain penalties applicable to the prohibition against a person possessing a firearm if the person was previously convicted of a crime of violence or certain drug-related crimes by: (1) providing for a maximum imprisonment of 20 years; (2) specifying that a court may not suspend the mandatory minimum sentence to less than five years; and (3) providing that parole ineligibility applies during the mandatory minimum sentence.

Fiscal Summary

State Effect: Any potential increase in incarcerations in State facilities resulting from this bill is not expected to significantly affect State finances or operations.

Local Effect: Any potential increase in bail review hearings or trials resulting from this bill are not expected to significantly affect the finances or operations of the circuit courts or State's Attorneys.

Small Business Effect: None.

Analysis

Current Law: A person may not possess a regulated firearm if previously convicted of a crime of violence or one of the following drug-related crimes:

- manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance;

- manufacture, distribute, or possess a machine, equipment, or device that is adapted to produce a controlled dangerous substance with intent to use it to produce, sell, or dispense a controlled dangerous substance;
- create, distribute, or possess with intent to distribute a controlled dangerous substance;
- manufacture, distribute, or possess equipment designed to render a counterfeit substance;
- keep a common nuisance;
- pass, issue, make, or possess a false, counterfeit, or altered prescription for a controlled dangerous substance with intent to distribute the controlled dangerous substance;
- similar offenses involving narcotic drugs;
- similar offenses involving Schedule I and II hallucinogenic substances;
- volume dealing;
- operating as a drug kingpin; or
- importing certain controlled dangerous substances.

A violator is guilty of a felony and subject to a nonparolable, nonsuspendable mandatory minimum sentence of five years. Each violation is a separate crime.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 4, 2005
mp/jr

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