

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 585 (Senator Stone)
Judicial Proceedings

Firearms Offenses - Penalties

This bill alters incarceration 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 repealing the ban against issuing a suspended sentence and providing for a maximum imprisonment of 20 years.

The bill also specifies that a court may not impose less than the current law minimum sentence of five years and that the convicted person is not eligible for parole in less than five years.

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.

Background: This bill makes the penalties for the subject offense similar to current law penalties applicable to the prohibition against a person using an antique firearm capable of being concealed on the person or any handgun in the commission of a crime of violence or any felony, whether the antique firearm or handgun is operable or inoperable at the time of the crime. For that offense, a violator is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, is subject to a minimum nonparolable sentence of 5 years and a maximum sentence of 20 years. For each subsequent violation, the sentence must be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, Department of Legislative Services

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mam/jr

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