

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 957 (Senator Middleton)
Judicial Proceedings

**Crimes - Sale of Throwing Knife to Minor Without Authorization from Parent
or Guardian - Penalty**

This bill prohibits a person from selling a throwing knife to a minor without a written authorization from the minor's parent or legal guardian. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 12 months and/or a fine of not less than \$50 and not more than \$500.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person may not wear or carry a dangerous weapon of any kind concealed on or about the person. A person may not wear or carry a dangerous weapon, chemical mace, pepper mace, or a tear gas device openly with the intent or purpose of injuring an individual in an unlawful manner. In 12 counties (Anne Arundel, Baltimore, Caroline, Cecil, Harford, Kent, Montgomery, Prince George's, St. Mary's, Talbot, Washington, and Worcester), a minor may not carry a dangerous weapon between one hour after sunset and one hour before sunrise, whether concealed or not, except while:

(1) on a bona fide hunting trip; or (2) engaged in or on the way to or returning from a bona fide trap shoot, sport shooting event, or any organized civic or military activity.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$1,000. Except for the violations applicable to a minor in specified jurisdictions, if it appears from the evidence that the weapon was carried, concealed or openly, with the deliberate purpose of injuring or killing another, the court must impose the highest sentence of imprisonment prescribed.

The term “weapon” includes a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku. The term “star knife” means a device used as a throwing weapon, consisting of several sharp or pointed blades arrayed as radially disposed arms about a central disk.

State Revenues: General fund revenues could increase minimally as a result of the bill’s monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill’s incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2006 are estimated to range from \$17 to \$65 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC 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 \$310 per month.

Local Revenues: Revenues could increase minimally as a result of the bill’s monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase as a result of the bill’s incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence,

plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$33 to \$119 per inmate in fiscal 2006.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mp/jr

Analysis by: Guy G. Cherry

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