

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 808
Judiciary

(Delegate Sophocleus, *et al.*)

Criminal Law - Weapons - Place of Confinement

This bill prohibits a person detained or confined in a place of confinement from possessing a weapon. A violator is guilty of a felony and subject to maximum current law penalties (applicable to receiving a weapon while detained or so confined) of imprisonment for 10 years and/or a fine of \$5,000.

Fiscal Summary

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

Local Effect: 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 deliver a weapon to a person detained or confined in a place of confinement. A person may not possess a weapon with the intent to deliver it to a person detained or confined in a place of confinement. A person may not deposit or conceal a weapon in or about a place of confinement or on any land appurtenant to that place of confinement to effect an escape. A person detained or confined in a place of confinement may not receive a weapon.

A violator of any of these prohibitions is guilty of a felony and subject to maximum penalties of imprisonment for 10 years and/or a fine of \$5,000.

“Place of confinement” means:

- a correctional facility;
- a facility of the Department of Health and Mental Hygiene;
- a detention center for juveniles;
- the Baltimore City Juvenile Justice Center; the J. DeWeese Carter Center; the Charles H. Hickey, Jr. School; the Alfred D. Noyes Children’s Center; the Cheltenham Youth Facility; the Victor Cullen Center; the Thomas J. S. Waxter Children’s Center; the Lower Eastern Shore Children’s Center; the Western Maryland Children’s Center; and youth centers;
- a place identified in a juvenile community detention order; or
- any other facility in which a person is confined under color of law.

It does not include a place identified in a home detention order or agreement.

Background: Each managing official of a prison or jail can define what constitutes contraband in each individual institution. There is no universal definition of contraband for a place of confinement within the State.

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

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,300 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 \$465 per month. Excluding medical care, the average variable costs total \$134 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or DOC. 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 2008 are estimated to range from \$21 to \$65 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in DOC facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

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

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities 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 \$42 to \$120 per inmate in fiscal 2008.

Additional Information

Prior Introductions: HB 637 and SB 38 of 2006 were similar bills. HB 637 received an unfavorable report from the House Judiciary Committee. SB 38, as amended, passed the Senate and received an unfavorable report from Judiciary.

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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ncs/jr

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