

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 880

(Delegate Anderson, *et al.*) (By Request – Baltimore City Administration)

Judiciary

Public Safety - Regulated Firearms - Reporting Lost or Stolen

This bill requires the owner of a regulated firearm to report its loss or theft to the local law enforcement agency within 72 hours after the owner first discovers the loss or theft. The bill also requires a dealer or other person who sells or transfers regulated firearms to notify a purchaser or recipient at the time of purchase or transfer that the purchaser or recipient is required to report a lost or stolen regulated firearm to the local law enforcement agency. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 90 days and/or a fine of \$750.

A local law enforcement agency, on receipt of a report of a lost or stolen firearm, must enter specified identifying information of the firearm into the National Crime Information Center (NCIC) Database.

Fiscal Summary

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

Local Effect: Minimal increase in expenditures due to the bill's incarceration penalty provision. It is assumed that the bill's responsibilities for local law enforcement agencies could be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: A person may not possess, sell, transfer, or otherwise dispose of a stolen “regulated firearm” if the person knows or has reasonable cause to believe that the firearm has been stolen.

A dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000. Each violation is a separate crime.

A regulated firearm means any handgun or specified assault weapon.

Background: NCIC is a part of the FBI’s Criminal Justice Information Services (CJIS) Division. It is a computerized index of criminal justice information (*i.e.*, criminal record history information, fugitives, stolen properties, missing persons). It is available to federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year. According to the FBI, all records in NCIC are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. The safeguards include restricted access, locks, alarm devices, passwords, and/or encryption.

State Revenues: General fund revenues could increase minimally as a result of the bill’s monetary penalty provision 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 more people in Baltimore City being committed to a Division of Correction (DOC) facility. 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. 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 \$2,600 per month. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$526 per month. Excluding medical care, the average variable costs total \$148 per month.

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 \$40 to \$129 per inmate in fiscal 2009.

Additional Information

Prior Introductions: HB 451 of 2006, a similar bill, had a hearing before the House Judiciary Committee and had no further action taken on it. SB 732 and HB 803 of 2005 had a hearing before the Senate Judicial Proceedings Committee and the Judiciary Committee, respectively, and had no further action taken on them. SB 528 of 2003 received a hearing before the Judicial Proceedings Committee and had no further action taken on it.

Cross File: SB 585 (Senator Gladden, *et al.*) (By Request – Baltimore City Administration) - Judicial Proceedings.

Information Source(s): Montgomery County, Maryland-National Capital Park and Planning Commission, Harford County, Carroll County, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2008
mll/jr

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