

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1378
Judiciary

(Delegate Ivey, *et al.*)

Public Safety - Possession and Sale of Ammunition for Regulated Firearms -
Penalties

This bill places restrictions on the possession and sale of ammunition solely designed for regulated firearms.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Enforcement could be handled with the existing budgeted resources of the State Police.

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

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill prohibits a person from possessing ammunition solely designed for a regulated firearm if the person was previously convicted of a crime of violence or specified drug offenses, or does not have an approved firearm application and is not exempted from the application requirement. A violator is guilty of a misdemeanor and subject to imprisonment for at least two years and/or a fine not exceeding \$5,000. This penalty is also applied to the illegal possession of such ammunition by a person under the age of 21.

The bill prohibits a dealer or other person from selling, renting, or transferring such ammunition to a purchaser, lessee, or transferee who was previously convicted of a crime of violence or specified drug offenses, or does not have an approved firearm application and is not exempted from the application requirement. Such a transaction is also prohibited if the purchaser, lessee, or transferee is under age 21. A violator of this prohibition is guilty of a misdemeanor and subject to maximum penalties of imprisonment for two years and/or a fine of \$5,000.

Current Law: Any dealer or person who knowingly participates in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of provisions governing regulated firearms is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000. Each violation must be considered a separate offense.

A person under the age of 21 may not possess ammunition solely designed for a regulated firearm. There are some circumstances under which this prohibition does not apply, including specified temporary possessions or transfers and when the person is a member of the U.S. armed forces or the National Guard while performing official duties. There is no penalty for a violation.

Before a person purchases, rents, or transfers a regulated firearm in the State, the person must submit to the State Police or other designated law enforcement agency a firearm application that identifies the applicant and the firearm that is the subject of the transaction. Applications are investigated by the State Police and are subject to a seven-day waiting period before the transaction may take place.

An applicant must be at least age 21; have never been convicted of a felony, crime of violence, or misdemeanor that carries a penalty of more than two years imprisonment; and must not be addicted to drugs or alcohol or have a history of mental disorder. An applicant is required to complete a certified firearms safety course through the Police Training Commission.

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 being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of these proposed crimes 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 \$2,600 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 \$526 per month. Excluding medical care, the average variable costs total \$148 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 2009 are estimated to range from \$19 to \$71 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 \$40 to \$129 per inmate in fiscal 2009.

Small Business Effect: Any retail business may sell ammunition in the State. The Comptroller estimates that there are sales of more than \$9 million for all types of ammunition sold in the State annually. It is believed that ammunition for shotguns accounts for at least 50% of all sales statewide, but as much as two-thirds in some jurisdictions. It is not known how much of the covered sales are to persons prohibited from making such purchases under the bill. Under this bill, any retailer in Maryland currently engaged in ammunition sales, or who contemplates future sales, would be limited to a somewhat smaller market. However, this bill should not significantly impact sales revenues of gun shops, sporting goods stores, or other stores engaged in ammunition sales.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Maryland District Court), Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

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