

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 299 (Senator Stone)
(By Request – Committee to Revise Article 27 – Crimes and Punishments)
Judicial Proceedings

**Public Safety - Possession of Regulated Firearm by a Person Under 21 Years -
Penalty**

This bill establishes a misdemeanor penalty provision for the possession of a regulated firearm, or ammunition solely designed for a regulated firearm, by a person under age 21. A violator is subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000.

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 expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: With specified exceptions, a person under 21 years of age may not possess a regulated firearm or ammunition solely designed for a regulated firearm. There is no penalty provision that specifically attaches to the prohibition.

Background: The misdemeanor penalty created under this bill is identical to the penalty for the prohibition against selling ammunition or a nonregulated firearm to a person under 21 years of age.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision since these cases would likely be 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 from Baltimore City being committed to Division of Correction (DOC) facilities. The number of people convicted under this new penalty provision 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 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 a DOC facility. Currently, the DOC 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.

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: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 8, 2008
mcp/jr

Analysis by: Guy G. Cherry

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