

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1103
Economic Matters

(Delegate Norman, *et al.*)

Business Regulation - Secondhand Sporting Goods Dealers - Records

This bill requires secondhand sporting goods dealers in the State to make a written record of all acquisitions of secondhand sporting goods with a value of \$100 or more.

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 revenues and expenditures due to the bill's penalty provisions. Enforcement can be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill defines "secondhand sporting goods" as consumer goods (*i.e.*, goods purchased, leased, or rented primarily for personal, family, or household purposes) previously purchased for athletic or sporting use and available for resale.

The record must include either the name, date of birth, and driver's license number of the seller or a physical description of the seller and verification of his or her identity from at least two forms of identification, including an age of majority card, military identification, or passport. The dealer must keep the record for one year after the date of the transaction. A law enforcement officer may inspect a record as part of a stolen property investigation or investigation of a violation of the bill.

Willful or knowing violators are guilty of a misdemeanor, and on conviction may be fined up to \$10,000 and/or imprisoned for up to two years. An associate, employee, manager, or partner who participates or consents in a violation is guilty of a misdemeanor and may be fined up to \$5,000 and/or imprisoned for up to one year. Each violation is considered a separate offense.

Current Law: Secondhand sporting goods dealers in the State are not licensed by the Department of Labor, Licensing, and Regulation, nor are there any recordkeeping requirements in statute related to these dealers.

Background: Secondhand precious metal object dealers, pawnbrokers, and junk and scrap metal dealers are subject to more recordkeeping and extensive reporting requirements.

State Fiscal Effect: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

General fund expenditures increase minimally as a result of the bill's incarceration penalties 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 this proposed crime is expected to be minimal.

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

Expenditures increase minimally as a result of the bill's incarceration penalties. 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 \$46 to \$141 per inmate in fiscal 2010.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Harford, Montgomery, and St. Mary's counties; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of State Police; Department of Legislative Services

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