

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1268  
Judiciary

(Delegates Sophocleus and Anderson)

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Regulated Firearms - Ammunition

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This bill makes it a crime to knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of ammunition solely designed for 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.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the applicable current law penalty provisions. Enforcement can be handled with the existing budgeted resources of the State Police.

**Local Effect:** Potential minimal increase in local revenues and expenditures due to the applicable current law penalty provisions.

**Small Business Effect:** None.

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Analysis

**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.

A person may not sell, rent, or transfer ammunition solely designed for a regulated firearm to a person under the age of 21. A person may not sell, rent, or transfer to a minor a firearm other than a regulated firearm, ammunition for a firearm, pepper mace, or another deadly weapon. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000.

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.

**Background:** Federal law prohibits a convicted felon from possessing ammunition of any type. The Department of State Police (DSP) has established a firearms task force to, in part, work with gun shops to determine who may have illegally purchased ammunition. Based on information from voluntarily maintained logs, DSP was able to investigate buyers and make some arrests for illegal possession of firearms and ammunition.

**State Revenues:** General fund revenues increase minimally as a result of the applicable monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures increase minimally as a result of the bill's expanded scope due to more people being committed to Division of Correction (DOC) facilities and possible 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 \$2,750 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 variable medical care and variable operating costs) is

\$371 per month. Excluding all medical care, the average variable costs total \$182 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. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the Division of Correction but are confined in a local facility. The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced 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 increase minimally as a result of the applicable monetary penalty provision from cases heard in the circuit courts.

**Local Expenditures:** Expenditures increase minimally as a result of the applicable incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. A \$45 per diem State grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the Division of Correction but are confined in a local facility. Per diem operating costs of local detention facilities are expected to range from \$57 to \$157 per inmate in fiscal 2011.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2010  
mlm/hlb

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