

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 311
Judicial Proceedings

(Senator Madaleno, *et al.*)

Weapon-Free Higher Education Zones

This bill prohibits a person from carrying or possessing any firearm, knife, or deadly weapon on the property of a public institution of higher education in the State. A violator is guilty of a misdemeanor and subject to maximum penalties of three-years imprisonment and/or a \$1,000 fine. A person who is convicted of carrying or possessing a handgun in violation of this prohibition must be sentenced under the penalty provisions applicable to handgun violations.

The prohibition does not apply to an on-duty law enforcement officer, a guard hired by the institution, a person engaged in organized shooting activity for educational purposes, or other specified historical activities with an educational purpose with a written invitation from the president of the institution.

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Current Law: A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property. A violator is guilty of a misdemeanor and subject to maximum penalties of three years imprisonment and/or a \$1,000 fine. A person who is convicted of carrying or possessing a handgun in violation of this prohibition must be sentenced under the penalty provisions applicable to handgun violations.

The prohibition does not apply to an on-duty law enforcement officer, a public school property guard hired by a county board of education, a person engaged in organized shooting activity for educational purposes, or other specified historical activities with an educational purpose with a written invitation from the school principal.

Handgun prohibitions pertain to wearing, carrying, or transporting a handgun; the use of a handgun or antique firearm in the commission of a crime; and possession of a firearm at a public demonstration. Violators are guilty of a misdemeanor and subject to penalties ranging from 30-days to 10-years imprisonment, depending on the nature of the offense and whether there have been any prior violations by the offender. Most of the violations are subject to mandatory minimum sentencing.

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

State Expenditures: General fund expenditures 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 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 \$2,920 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 about \$390 per month. Excluding all medical care, the average variable costs total \$170 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 bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures 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 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 have ranged from \$57 to \$157 per inmate in recent years.

Additional Information

Prior Introductions: SB 191 of 2010 received an unfavorable report from the Senate Judicial Proceedings Committee. SB 551 of 2009 received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 353, received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

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mlm/kdm

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