

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 803
Judiciary

(Delegate Valentino-Smith, *et al.*)

Criminal Law - Possession of a Handgun - Institutions of Higher Education and Hospitals

This bill expands the current statutory prohibition on wearing, carrying, or transporting a handgun while on or in specified locations to include higher education institutions and hospitals.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's expanded application of current statutory penalties.

Local Effect: Minimal increase in local revenues and expenditures due to the bill's expanded application of current statutory penalties.

Small Business Effect: None.

Analysis

Current Law: In general, a person is prohibited from wearing, carrying, or transporting a handgun either on the person or in a vehicle traveling on a public road, highway, waterway, airway, or parking lot. Numerous exceptions exist, including ones for law enforcement officials and individuals who have concealed weapons permits. Violators are guilty of a misdemeanor and subject to incarceration penalties ranging from 30 days to 10 years imprisonment, depending on the nature of the offense and whether there have been any prior weapons-related violations by the offender. Most of the violations are subject to mandatory minimum sentencing. An individual who wears, carries, or

transports a handgun on public school property is subject to enhanced mandatory minimum sentences.

A person also 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 local 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.

The bill incorporates the definition of “hospital” under the Health-General Article which means an institution that (1) has at least five physicians on staff; (2) has facilities to provide medically supervised diagnostic and treatment services for at least two or more unrelated individuals; and (3) admits or retains individuals for overnight care. “Institution of higher education” under the Education Article, is incorporated into the bill and means an institution of post secondary education that limits enrollment to graduates of secondary schools and awards degrees at an associate, baccalaureate, or graduate level.

Background: In September 2010, a man visiting his ailing mother at Johns Hopkins Hospital shot and wounded her physician before killing his mother and himself.

State Revenues: General fund revenues increase minimally as a result of the bill’s expanded application of existing monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill’s expanded application of existing 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.

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 DOC 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 expanded application of existing monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures increase minimally as a result of the bill's expanded application of existing incarceration penalties. 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 DOC 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: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Morgan State University, Department of Public Safety and Correctional Services, University System of Maryland, University of Maryland Medical System, *The Baltimore Sun*, Department of Legislative Services

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