

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 367
Judiciary

(Delegate Rey, *et al.*)

Public Safety - Regulated Firearms - Disqualifying Crime

This bill alters the definition of “disqualifying crime” under statutory provisions of law relating to firearms to include a violation classified as a misdemeanor in the State that *carried* a statutory penalty *of incarceration* of more than two years *at the time of the commission of the crime*.

Fiscal Summary

State Effect: None. The bill’s change is technical in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A “disqualifying crime” means a crime of violence, a felony, or a misdemeanor that carries a statutory penalty of more than two years.

A person may not possess a regulated firearm, a rifle, or a shotgun if the person:

- has been convicted of a disqualifying crime;
- has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than two years;
- is a fugitive from justice;
- is a habitual drunkard;
- is addicted to a controlled dangerous substance or is a habitual user;

- suffers from a mental disorder and has a history of violent behavior against the person or another;
- has been found incompetent to stand trial;
- has been found not criminally responsible;
- has been voluntarily admitted for more than 30 consecutive days to a facility that provides treatment or other services for mental disorders;
- has been involuntarily committed to a facility that provides treatment or other services for mental disorders;
- is under the protection of a guardian of the person or property of a disabled person appointed by a court, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- is a respondent against whom a current non ex parte civil protective order has been entered in this State or an order for protection has been issued by a court of another state or a Native American tribe and is in effect; or
- if younger than age 30 at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

In addition, a person is prohibited from possessing a regulated firearm, a rifle, or a shotgun if the person was previously convicted of (1) a crime of violence; (2) a violation of specified controlled dangerous substances law; (3) an offense under the laws of another state or the United States that would constitute one of these crimes if committed in this State.

With certain exceptions, a person who is younger than age 21 may not possess a regulated firearm.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Department of State Police, Department of Legislative Services

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md/lgc

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