

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1774
Judiciary

(Delegate Krimm, *et al.*)

Task Force to Study the Effectiveness of the Enforcement of Restrictions on the Possession of Regulated Firearms

This bill establishes the Task Force to Study the Effectiveness of the Enforcement of Restrictions on the Possession of Regulated Firearms. The task force must (1) study the effectiveness of the enforcement of restrictions on the possession of regulated firearms under § 5-133 of the Public Safety Article and (2) make recommendations regarding whether the existing laws are effective and adequately serve the public. By December 1, 2018, the task force must report its findings and recommendations to the Governor and the General Assembly. The Department of State Police (DSP) must provide staff for the task force. **The bill takes effect July 1, 2018, and terminates June 30, 2019.**

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for DSP are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law: Under § 5-133 of the Public Safety Article, a person is prohibited from possessing a regulated firearm 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 if the person was previously convicted of (1) a crime of violence; (2) a violation of specified controlled dangerous substances laws; or (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.

Generally, a violator is guilty of a misdemeanor and subject to maximum penalties of 5 years imprisonment and/or \$10,000 fine. A violator previously convicted of a crime of violence or specified felony drug crimes, in the State or outside the State, is guilty of a felony and subject to a nonparolable, nonsuspendable, mandatory minimum sentence of 5 years and a maximum sentence of 15 years. Imposition of the mandatory minimum

sentence is within the discretion of the court if at the time of the offense it has been more than 5 years since the person completed serving the sentence for the most recent conviction for the predicate crime. The State's Attorney must notify the person in writing at least 30 days before trial if the State intends to seek the mandatory minimum sentence. Each violation is a separate crime.

State law establishes an exception to the prohibition against wearing, carrying, or transporting a handgun by a person who is carrying a court order to surrender the weapon if (1) the handgun is unloaded; (2) the person has notified law enforcement that the handgun is being transported in accordance with the court order; and (3) the person transports the handgun directly to the law enforcement unit.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2018
mag/lgc

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