

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 443

(Senator Smith, *et al.*)

Judicial Proceedings

Judiciary

Trafficking Regulated Firearms - Felony Classification

This bill reclassifies – from a misdemeanor to a felony – the prohibition against transporting a regulated firearm into the State for the purpose of unlawfully selling or trafficking of the regulated firearm. The bill also extends the applicable statute of limitations of a prosecution for such an offense; instead of a prosecution being instituted within three years after the offense was committed, a prosecution may be instituted at any time.

Fiscal Summary

State Effect: The bill's changes are not expected to materially affect State finances, as discussed below.

Local Effect: The bill's changes are not expected to materially affect local finances, as discussed below.

Small Business Effect: None.

Analysis

Current Law: A dealer or other person may not transport a regulated firearm into the State for the purpose of unlawfully selling or trafficking of the regulated firearm. A violator is guilty of a misdemeanor and on conviction is subject to maximum penalties of imprisonment for up to 10 years and/or a fine of up to \$25,000. Each violation is a separate crime. A prosecution for a violation must be instituted within three years after the offense was committed.

State/Local Fiscal Effect: Changing crimes from misdemeanors to felonies means that (1) such cases are likely to be filed in the circuit courts rather than the District Court and (2) some persons may eventually serve longer incarcerations due to more stringent penalty provisions applicable to some offenses for prior felony convictions.

The Judiciary advises that for the offense altered by the bill, in fiscal 2023, there was one filing in the District Court and four filings in the circuit courts, with no convictions, and in fiscal 2024, there were no filings or convictions. Accordingly, it is assumed that this bill shifts a minimal number of cases from the District Court to the circuit courts (including any fines imposed in these cases). It is not known whether such a prospective shift may spur more plea bargains and affect actual sentencing practices for this offense. In addition, it is not known whether allowing for the prosecution of the offense at any time will result in an increase in the number of filings. Nevertheless, based on the data provided by the Judiciary, it is assumed that the bill does not materially affect State or local finances.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Howard County; Maryland Association of Counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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km/lgc
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