



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session
HB0863

Gun Theft Felony Act of 2026

Bill Summary

This bill (1) excludes theft of a firearm from the general theft statute; (2) classifies theft of a firearm as a separate felony offense; and (3) establishes penalties for theft of a firearm.

Racial Equity Impact Statement

Demographic data for gun theft arrests, along with incarceration data, indicates some disparity exists between Black offenders and offenders of other races but the total number of individuals arrested and incarcerated for this offense is relatively small. This limited data suggests that the bill's provisions have the potential to exacerbate racial disparities that currently exist in the State's criminal justice system but will likely have minimal impacts overall.

Analysis

This bill establishes and alters penalties under § 7-104 of the Criminal Law Article for theft of a firearm. Under the bill, a person convicted of theft of a firearm, including an antique firearm or a replica of an antique firearm, is guilty of a felony and subject to the following penalties: (1) for a first conviction, a maximum penalty of 5 years imprisonment and/or a \$1,000 fine; and (2) for a second or subsequent conviction, a maximum penalty of 10 years imprisonment and/or a \$2,500 fine. A sentence imposed for theft of a firearm under the bill must be separate from and consecutive to a sentence imposed for any other offense.

Larceny-theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person. Under existing law, theft of a firearm is subject to the general theft statute, which imposes penalties based on the value of the stolen property or services. Generally, theft of an item that is less than \$1,500 in value is a misdemeanor.

Depending on the value of the property stolen and whether a defendant has prior convictions, the maximum penalty for misdemeanor theft is up to five years imprisonment and/or a \$5,000 fine.

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.

Impacts of the Bill

The Department of State Police (DSP) uses the Federal Bureau of Investigation's National Incident Based Reporting System (NIBRS) to collect and report detailed information about crime incidents, victims, offenders, and arrestees. NIBRS also captures information on the relationships between victims and offenders, as well as the use of weapons and the types of stolen or damaged property.

The available DSP arrest data for firearm theft suggests disparities exist that impact individuals of color in the State. During 2024, NIBRS reporting agencies reported approximately 56 firearm theft arrests and 65 arrests for other offenses during which a stolen firearm was recovered. Of the individuals arrested, 67% were Black and 31% were white.

According to the Department of Public Safety and Correctional Services (DPSCS), there were 90 incarcerated individuals in DPSCS custody for larceny-theft offenses as their most serious offense in 2025. Black individuals comprised 66% of that total.

The Bureau of Alcohol, Tobacco, Firearms, and Explosives noted that in 2024, 248 registered firearms were reported stolen or lost by federal firearms licensees in Maryland.

Conclusion

In both Maryland and nationwide, racial and ethnic disparities exist throughout the criminal justice system. The bill's removal of gun theft from the general theft statute, including the changes to the applicable penalties, will likely exacerbate existing racial disparities in arrests and incarceration for firearm theft. However, given the small number of individuals arrested and incarcerated for this offense, the bill's overall impacts will likely be minimal. No data is available to determine whether the bill's penalty provisions would exacerbate or reduce penalties for those charged with the new gun theft offense due to the varying current penalties for larceny-theft that depend on the dollar value of the property stolen.

Information Sources: Department of State Police; Maryland State Commission on Criminal Sentencing Policy; Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, Firearms and Explosives; Department of Legislative Services

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HB 863/ Page 2

Appendix – Maryland Demographics

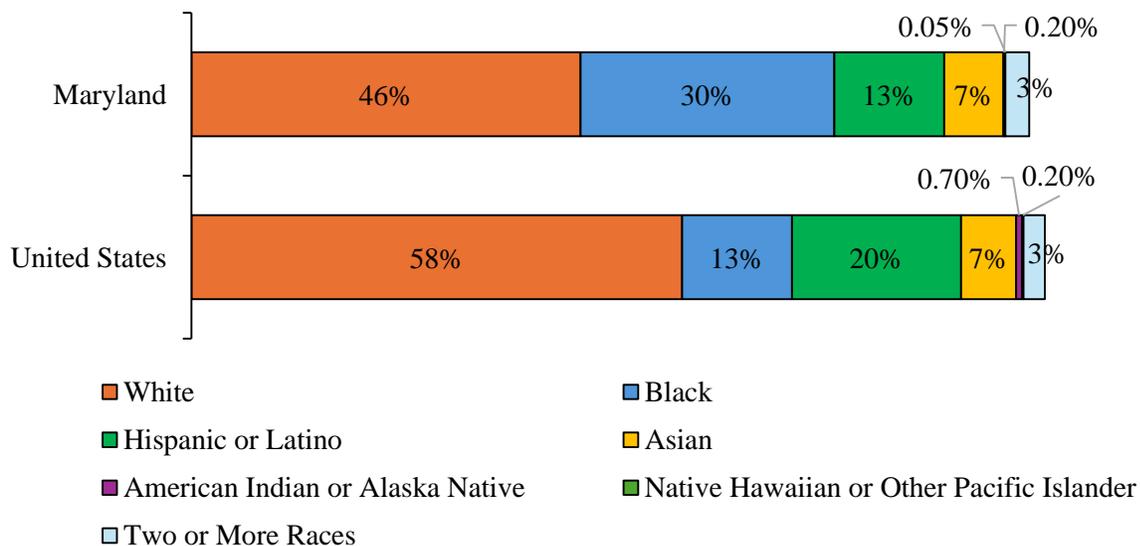
Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2020 to July 1, 2024 (NC-EST2024-SR11H) and (SC-EST2024-SR11H-24)