

SB 319 Amendment.pdf

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SB0319/993822/1

AMENDMENTS
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BY: Senator West

(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 319

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Department of State Police**” and substitute “**Maryland Judiciary**”; and in lines 4 and 7, in each instance, strike “Department of State Police” and substitute “**Maryland Judiciary**”.

AMENDMENT NO. 2

On page 2, in line 2, strike “**DEPARTMENT OF STATE POLICE**” and substitute “**MARYLAND JUDICIARY**”.

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 1st, 2024

The Maryland State Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill 319: Regulated Firearms - Department of State Police - Reporting Requirements

Dear Chairman Smith and Members of the Committee,

Last year, the General Assembly passed House Bill 824, a rather simple bill which, in relevant part, tasked the State Commission on Criminal Sentencing Policy with collecting, compiling and making annual reports relating to regulated firearms violations.

Along with Delegate Bartlett, I am a member of the Criminal Sentencing Commission. At one of our meetings last summer, the Executive Director of the Commission gave us a report about House Bill 824. The gist of his message was that the Commission did not have access to the information demanded in House Bill 824 and that it would have to hire staff to visit other State agencies to collect the information. He suggested that the Maryland State Police probably has the information readily available. Delegate Bartlett and I stated that we could just amend the law to re-assign the responsibility for collecting, compiling and reporting about the information,

As drafted, therefore, Senate Bill 319 simply transfers the responsibility of reporting the information from the Commission on Criminal Sentencing Policy to the Department of State Police.

Last week, however, I had two groups visit my office. First the State Police came by and told me that they don't have the information either. Then Chief Judge Morrissey of the District Court of Maryland came to see me and told me that the Judiciary has the information right at hand and could easily collect, compile and report it in accordance with House Bill 824. So you will find an amendment at your desks altering Senate Bill 319 to assign the reporting responsibility to the Maryland Judiciary.

I appreciate the Committee's consideration of Senate Bill 319 and will be happy to answer any questions the Committee may have.

MSCCSP Statement on SB 319 (2024).pdf

Uploaded by: David Soule

Position: INFO

MSCCSP



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TO: House Judiciary Committee

FROM: MSCCSP

RE: Senate Bill 319, *Regulated Firearms - Department of State Police - Reporting Requirements*

DATE: February 2, 2024

POSITION: Informational purposes

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) submits this statement for informational purposes regarding SB 319 (2024). HB 319 reassigns a firearm reporting requirement first mandated in HB 824 (2023) to an alternative agency.

HB 824 (2023), as originally written, had no impact on the MSCCSP. However, a late amendment to the bill required a report about the number of charges, convictions, and sentences for two specific firearm offenses, disaggregated by jurisdiction, race, and gender. This amendment was passed during a voting session in Judicial Proceedings. The firearm report amendment as originally proposed called for the Department of the State Police to report the information; however, the amendment was altered based on a misunderstanding that the MSCCSP already collects and aggregates this data statewide. However, the MSCCSP does not collect and aggregate all this data statewide. The MSCCSP collects data for guidelines-eligible circuit court convictions. The MSCCSP does not collect data on charges, District Court convictions, or non-guidelines-eligible circuit court convictions. Therefore, the MSCCSP cannot provide any information as to the number of charges for these two respective statutes, CR, § 4-203 and PS, §5-133(d). Further, the MSCCSP cannot provide a full enumeration of sentences for these two statutes because both offenses can be prosecuted in the District Court. The sentencing guidelines do not apply in District Court, therefore the MSCCSP has no data on District Court convictions or sentences. As of CY 2019, 65% of sentences for violations of CR, § 4-203 were guidelines-eligible, and 83% of sentences for violations of PS, § 5-133(d) were guidelines-eligible.

To summarize, the MSCCSP collects no data regarding charges, and the sentencing guidelines data are limited to a subset of convictions for these two statutes. The MSCCSP provided a revised fiscal and operational impact statement for HB 824 during the 2023 session explaining the limitations of the MSCCSP's data and the bill's substantial fiscal impact on the agency. Given that the MSCCSP does not collect the required data and given the small size of the MSCCSP budget/staff, the MSCCSP does not have the resources necessary to facilitate the additional data collection and reporting requirements.