

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 774
Judiciary

(Delegate Bartlett)

Office of the Attorney General - Crime Firearms - Study

This bill requires the Office of the Attorney General (OAG) to gather, study, and compile specified information regarding “crime firearms” in the State. The Department of State Police (DSP) must provide OAG with any and all information necessary to complete the study. By December 1, 2020, OAG must report its findings to the Governor and the General Assembly.

Fiscal Summary

State Effect: General fund expenditures increase by \$145,200 in FY 2020 and by \$75,700 in FY 2021. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	145,200	75,700	0	0	0
Net Effect	(\$145,200)	(\$75,700)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: It is assumed that local jurisdictions can provide access to the required information without materially affecting local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: OAG must:

- study information regarding crime firearms in the State, as specified;
- study crimes committed with crime firearms by jurisdiction, including (1) the number of charges and convictions for specified crimes and (2) the number and types of criminal charges associated with a crime firearm;

- compile all available information and data regarding the known sources of crime firearms, as specified;
- collect information on the length of time between the origination and recovery of a crime firearm; and
- gather information regarding the individuals found in possession of crime firearms, as specified.

“Crime firearm” means a firearm that is (1) used in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article or (2) recovered by law enforcement in connection to an illegal firearm possession, transportation, or transfer.

Current law: Section 5-101 of the Public Safety Article defines “crime of violence” as (1) abduction; (2) arson in the first degree; (3) assault in the first or second degree; (4) burglary in the first, second, or third degree; (5) carjacking and armed carjacking; (6) escape in the first degree; (7) kidnapping; (8) voluntary manslaughter; (9) maiming; (10) mayhem; (11) murder in the first or second degree; (12) rape in the first or second degree; (13) robbery; (14) robbery with a dangerous weapon; (15) sexual offense in the first, second, or third degree; (16) home invasion; (17) an attempt to commit offenses (1) through (16); or (18) assault with the intent to commit offenses (1) through (16) or a crime punishable by imprisonment for more than one year.

This definition is cross-referenced in statutes pertaining to reckless endangerment, committing a crime in the presence of a minor, use of a handgun or antique firearm in the commission of a crime, use of an assault weapon or magazine in the commission of a felony or a crime of violence, and possession of a rifle or shotgun by a person previously convicted of specified offenses.

State Expenditures: General fund expenditures increase by \$145,211 in fiscal 2020, which accounts for the bill’s October 1, 2019 effective date. Fiscal 2021 expenditures total \$75,655. Even though the bill’s provisions do not terminate, it is assumed that the bill requires a one-time study and that, once the report is submitted, DSP and OAG are no longer required to compile, gather, collect, and study the information specified in the bill. To the extent these activities are ongoing, costs continue beyond fiscal 2021 and increase to hire permanent employees, rather than contractual employees.

Department of State Police

There are approximately 156 police departments in the State and DSP estimates that it needs to gather and compile information and data regarding approximately 8,000 crime firearms annually through those police departments. Thus, general fund expenditures for DSP increase by \$61,171 in fiscal 2020. This estimate reflects the cost of hiring three contractual administrators to research and compile the required information to

provide to OAG. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Positions	3
Salaries and Fringe Benefits	\$45,095
Operating Expenses	<u>16,076</u>
Total FY 2020 DSP Expenditures	\$61,171

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Fiscal 2021 expenditures for DSP, which total \$29,160, reflect contractual salaries through December 31, 2020, and ongoing operating expenses.

DSP estimates that six full-time contractual positions are necessary. DSP notes that the bill does not specify a time limit within which DSP must provide information regarding crime firearms, and DSP estimates that, going back in time, the number of cases could be extremely large. However, the Department of Legislative Services advises that some information required under the bill for prior years is available through the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives and DSP's Licensing Division. Accordingly, the number of cases that will need to be researched is unknown at this time, and the need for three additional contractual positions at this time is unclear.

Office of the Attorney General

General fund expenditures for OAG increase by \$84,040 in fiscal 2020. This estimate reflects the cost of hiring one part-time (50%) contractual attorney and one part-time (50%) contractual analyst to compile and study the information provided by DSP regarding crime firearms. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Part-time Contractual Positions	2
Salaries and Fringe Benefits	\$73,791
Operating Expenses	<u>10,249</u>
Total FY 2020 OAG Expenditures	\$84,040

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Fiscal 2021 expenditures for OAG, which total \$46,495, reflect contractual salaries through December 31, 2020, and ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2019
sb/lgc

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