

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 968
Judiciary

(Delegate Kipke, *et al.*)

Regulated Firearms - Straw Purchase - Penalties

This bill changes, from a misdemeanor to a felony, a violation of the existing prohibition on knowing participation in a straw purchase of a regulated firearm and increases the accompanying penalty for a first conviction from a maximum fine of \$25,000 and/or imprisonment for up to 10 years to a maximum fine of \$25,000 and/or imprisonment for a minimum of 2 years and a maximum of 10 years. For subsequent convictions, the bill establishes maximum penalties of a \$25,000 fine and/or imprisonment for a minimum of 5 years and a maximum of 10 years. The court may not suspend any part of the applicable mandatory minimum sentence of 2 years or 5 years, and a person is not eligible for parole during the mandatory minimum sentence.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's mandatory minimum incarceration penalty provisions. Revenues are not materially affected.

Local Effect: Potential minimal increase in local expenditures due to the bill's mandatory minimum incarceration penalty provisions. Revenues are not materially affected.

Small Business Effect: None.

Analysis

Current Law: A dealer or other person may not be a knowing participant in a straw purchase of a regulated firearm to a minor or to a person prohibited by law from possessing a regulated firearm. A violator is guilty of a misdemeanor and on conviction is subject to

maximum penalties of imprisonment for 10 years and/or a \$25,000 fine. Each violation is a separate crime.

Background: 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. Accordingly, it is assumed that this bill shifts an unknown number of cases from the District Court to the circuit courts. It is not known whether such a prospective shift may spur more plea bargains and affect actual sentencing practices for this offense.

The Judiciary advises that, in fiscal 2019, there was one violation for knowing participation in a straw purchase of a regulated firearm.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Anne Arundel, Charles, and Frederick 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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mm/lgc

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