

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 669
Judiciary

(Delegate Attar)

Crimes - Firearms - Straw Purchase Participant Penalty

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.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues, as discussed below. The bill is not expected to materially affect State expenditures.

Local Effect: Potential minimal increase in local revenues from monetary penalties in cases shifted to the circuit courts under the bill. The bill is not expected to materially affect local expenditures.

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.

State Fiscal Effect: General fund revenues from monetary penalties may decrease minimally due to cases shifting from the District Court to the circuit courts under the bill. The bill is not expected to materially affect State expenditures.

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 there was one violation filed in fiscal 2019 and one violation filed in fiscal 2020 for knowing participation in a straw purchase of a regulated firearm.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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