

Department of Legislative Services  
Maryland General Assembly  
2021 Session

**RACIAL AND EQUITY IMPACT NOTE**

House Bill 633  
Judiciary

(Delegate Beitzel)

---

**Gun Theft Felony Act of 2021**

---

**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.

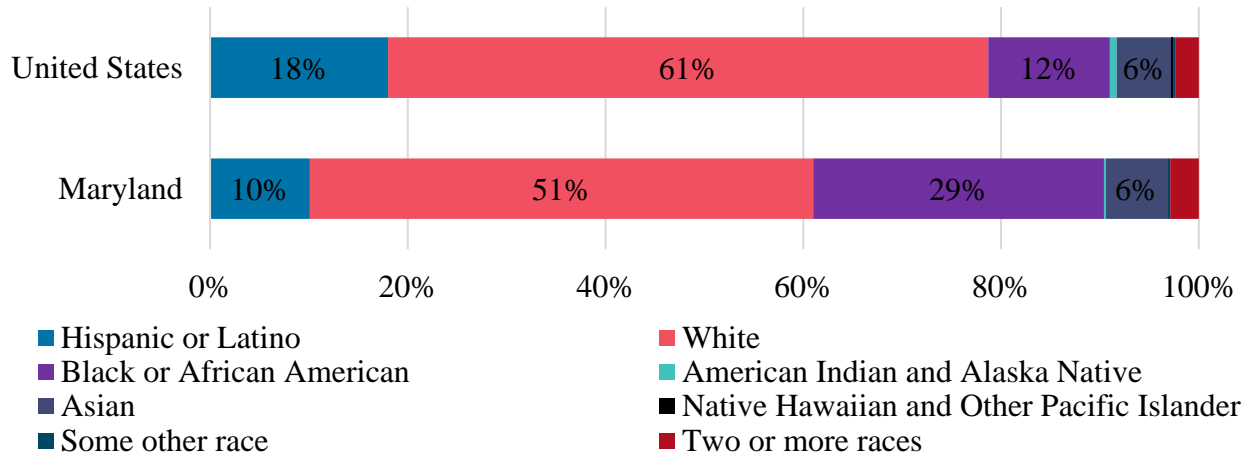
---

**Maryland Demographics**

*Race and Ethnicity of the Maryland Population*

In 2019, Maryland’s estimated population was just over 6 million individuals. Compared to the U.S. population overall, the State’s population by race alone is more diverse. As shown in **Exhibit 1**, in Maryland, 44.5% of the population identify as non-White or multi-racial compared to 27.5% of the national population. In both the State and national population, the largest shares of the non-White population are individuals who are Black or African American, with 29.9% of the State population identifying only as Black or African American and another 1.4% identifying as more than one race including Black or African American. In both the State and the nation, approximately 6% of the population identified as Asian. Maryland’s population is slightly less diverse than the U.S. population overall by ethnicity, however. In Maryland, 10.1% of the population identified as Hispanic or Latino compared to 18.0% of the U.S. population overall.

**Exhibit 1**  
**U.S. and Maryland Population by Race and Ethnicity**  
**2019**



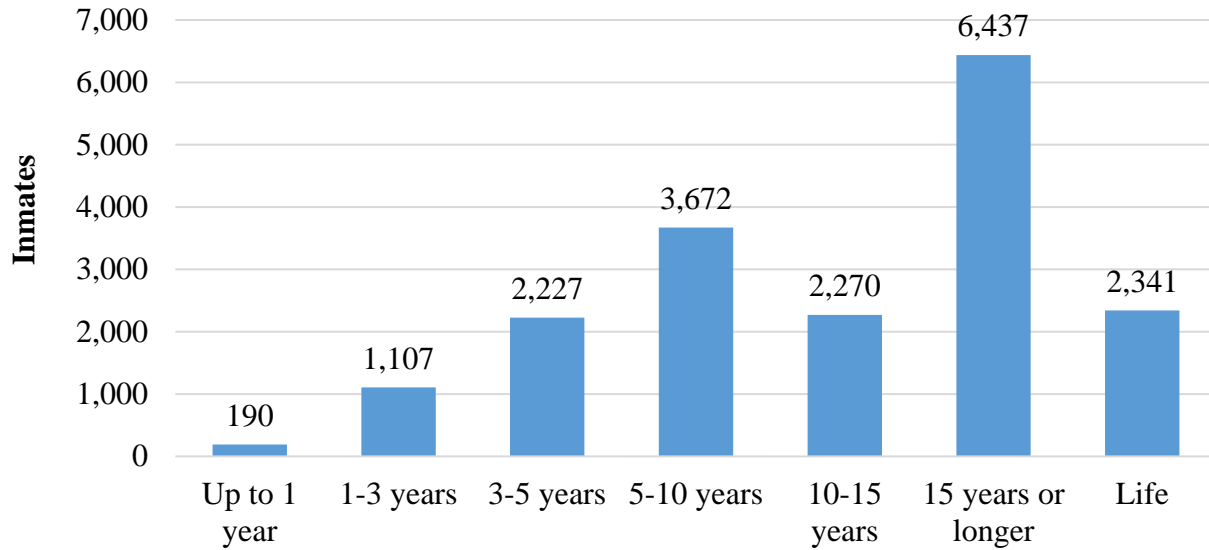
Source: University of Baltimore Schaefer Center

On July 31, 2019, there were 18,244 individuals incarcerated in Maryland under the jurisdiction of the Department of Public Safety and Correctional Services (DPSCS).<sup>1</sup> Of these, just over 8,700 were serving sentences of at least 10 years and 2,341 were serving life sentences, as shown in **Exhibit 2**, resulting in an average sentence length of 18.5 years.

<sup>1</sup> Maryland Department of Public Safety and Correctional Services. (2019). Operations: Maryland Department of Correction. <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/024500/024552/20200340e.pdf>.

---

**Exhibit 2**  
**Length of Sentence for Maryland Correctional Population**  
**July 31, 2019**



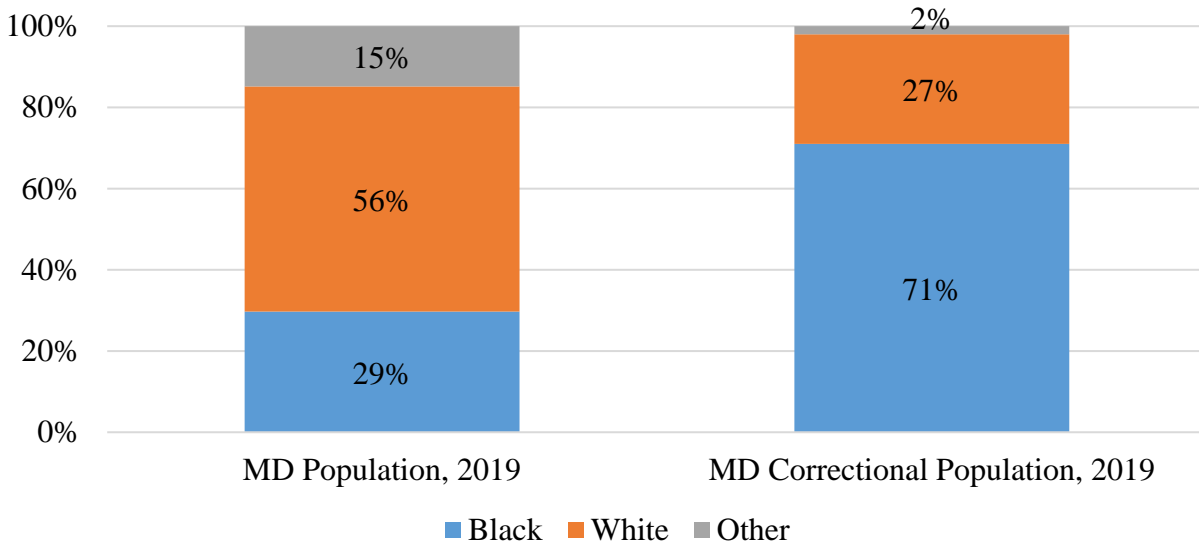
Source: University of Baltimore Schaefer Center

---

The racial and ethnic data of persons serving the sentences in Exhibit 2 is not publicly available at this time. However, in 2019, DPSCS published a report documenting the number of convicted persons in Maryland’s correctional facilities. **Exhibit 3** shows that 71% of convicted individuals in Maryland’s correctional facilities are Black, 27% are White, and 2% consist of groups that are neither Black nor White.

---

**Exhibit 3**  
**Race of Maryland Population and Offenders**



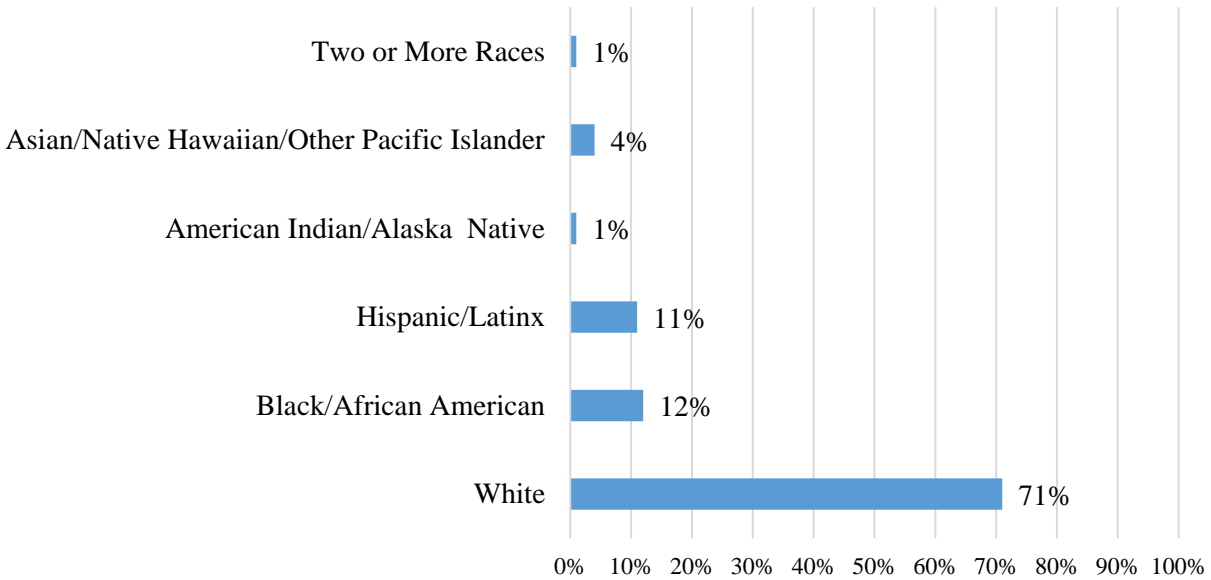
Source: University of Baltimore Schaefer Center; Department of Public Safety and Correctional Services

---

According to a national report from the Bureau of Justice Statistics, an annual average of 232,400 firearms were stolen during burglaries and other property crimes from 2005 through 2010. **Exhibit 4** illustrates that White non-Hispanic households experienced 71% of these burglaries and property crimes; African American or households identified as Black experienced 12%; Hispanic or Latinx households experienced 11%; Asian or households identified as Asian American, Native Hawaiian, or Other Pacific Islander experienced 4%; and Native American and households of two or more racial categories each experienced 1% of the crimes.

---

**Exhibit 4**  
**Characteristics of Households that Experienced Burglary or**  
**Other Property Crimes Involving the Theft of At Least One Firearm**  
**2005-2010**

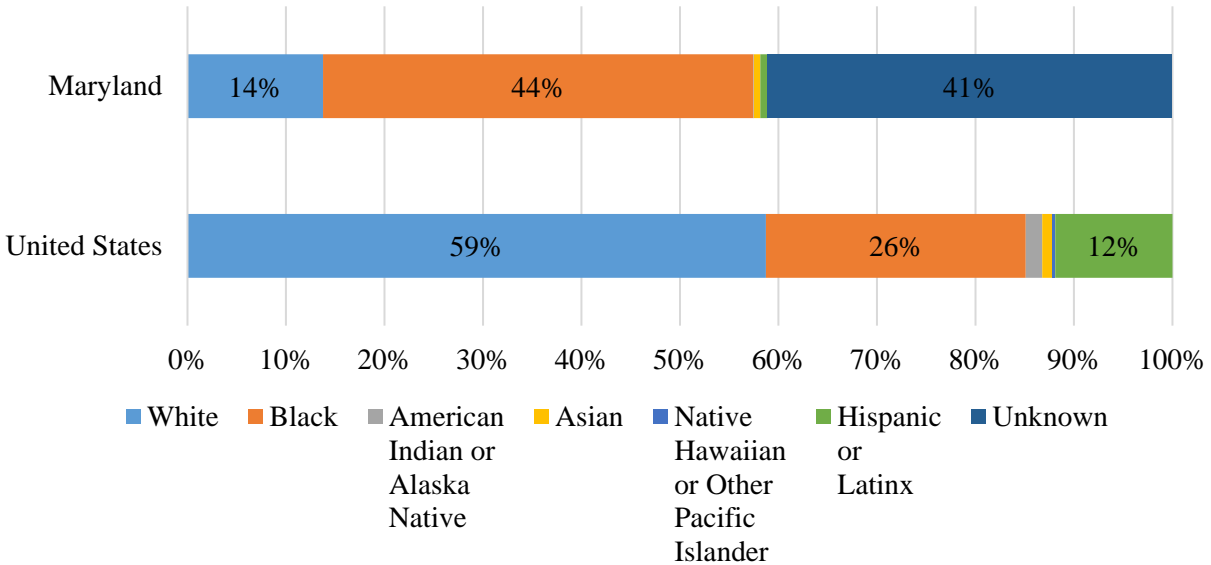


Source: Bureau of Justice Statistics, National Crime Victimization Survey

---

There is no available data that specifically accounts for the racial and ethnic differences associated with stolen firearm offenses. However, there is national and state property crime data that documents the racial and ethnic demographics associated with property crimes by which firearm thefts are classified (*e.g.*, burglary and larceny). In 2019, the U.S. Department of Justice through the FBI's National Incident-Based Reporting System (NIBRS) estimated a total of 2,687,254 burglary and larceny incidents in the United States and 19,640 incidents in Maryland. **Exhibit 5** shows the racial and ethnic demographics for the burglary and larceny offender population in the United States and Maryland.

**Exhibit 5**  
**United States and Maryland Population of Burglary and Larceny Offenders**  
**2019**

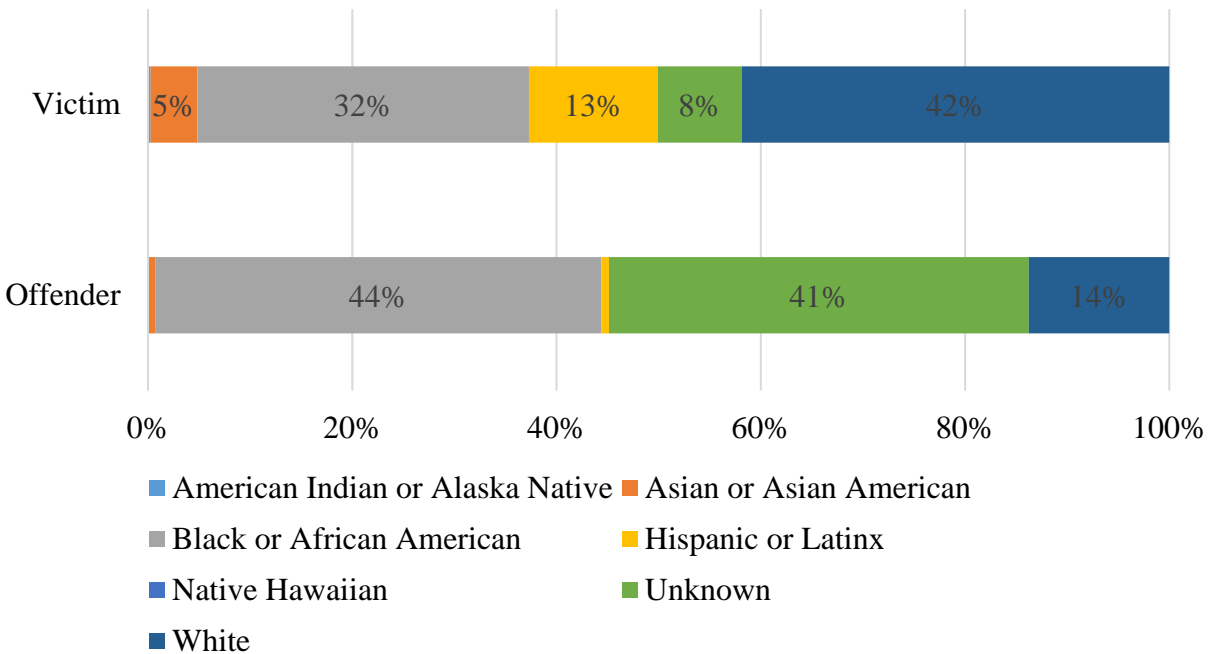


Source: U.S. Department of Justice, National Incident-Based Reporting System; Department of Legislative Services

As shown in Exhibit 5, 14% of burglary and larceny offenders in Maryland identify as White compared to 59% nationwide. The percentage of the State’s burglary and larceny offenders identifying as Black or African American is 44% in Maryland compared to 26% in the United States. In Maryland, 1% of burglary and larceny offenders identify as Hispanic or Latinx compared to 12% nationwide. All other known racial groups make up 1% of offenders in Maryland and 3% in the United States. Unlike the U.S. data, Maryland accounts for burglary and larceny offenders whose racial identity is unknown. According to NIBRS, the racial and ethnic identity for 41% of burglary and larceny offenders in Maryland is unknown.

NIBRS also collects data on the racial and ethnic demographics of burglary and larceny victims in Maryland. **Exhibit 6** compares the 2019 racial and ethnic distribution for the burglary and larceny victim and offender populations in Maryland. In 2019, there were approximately 18,226 burglary and larceny victims in the State. Of these victims, 5% are Asian or Asian American, 32% are African American or people identified as Black, 13% are Hispanic or Latinx, and 42% are White; all other known racial groups individually encompass less than 1% of this population. Individuals whose racial identity is unknown make up 8% of Maryland’s burglary and larceny victim population.

**Exhibit 6**  
**Burglary and Larceny Offenders and Victims in Maryland by Race**  
**2019**



Source: U.S. Department of Justice, National Incident-Based Reporting System; Department of Legislative Services

**Racial and Equity Impact Statement for House Bill 633**

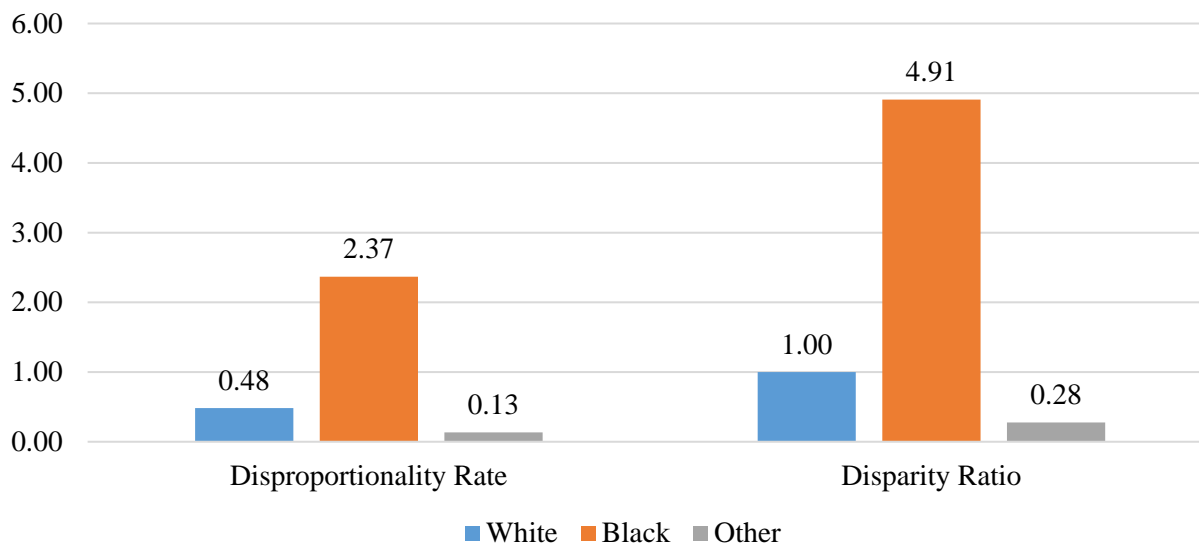
The statewide racial and ethnic demographics for the entire population, and as compared to the racial and ethnic demographics of individuals serving sentences as shown in Exhibits 1 and 3, suggest that notable disproportionality and disparities exist in Maryland’s correctional facilities. Likewise, these disparities are indicative of the disproportionality and disparities existing in Maryland’s firearm-related property crime offender and victim populations.

House Bill 633 excludes theft of a firearm from the general theft statute, classifies theft of a firearm as a separate felony offense, and establishes penalties for theft of a firearm. Although there is insufficient data to assess the precise racial impact of House Bill 633, the provisions in this bill are likely to amplify the documented racial inequities and exacerbate current racial disproportionality rates and disparity ratios in Maryland.

**Exhibit 7** indicates that the disproportionality rate of imprisonment for African Americans or people identified as Black is 2.37, which means they are more than twice as likely to be imprisoned as their proportion to their representation in the State population. Whites and other non-Black

incarcerated racial groups have disproportionality rates of less than 1.00, at 0.48 and 0.13, respectively, which means they are less likely to be imprisoned than their proportion to their representation in the State population. Exhibit 7 also shows how racial disparity ratios vary among the different racial groups in Maryland’s correctional population. The data reveals that incarcerated African Americans or people identified as Black are about five times more likely to be imprisoned than Whites. Conversely, other non-White incarcerated racial groups are much less likely to be incarcerated than Whites. Data was not available to analyze disproportionality rates and disparity ratios related to ethnicity.

**Exhibit 7**  
**Disproportionality and Disparity Metrics for Maryland Correctional Population**  
**2019**



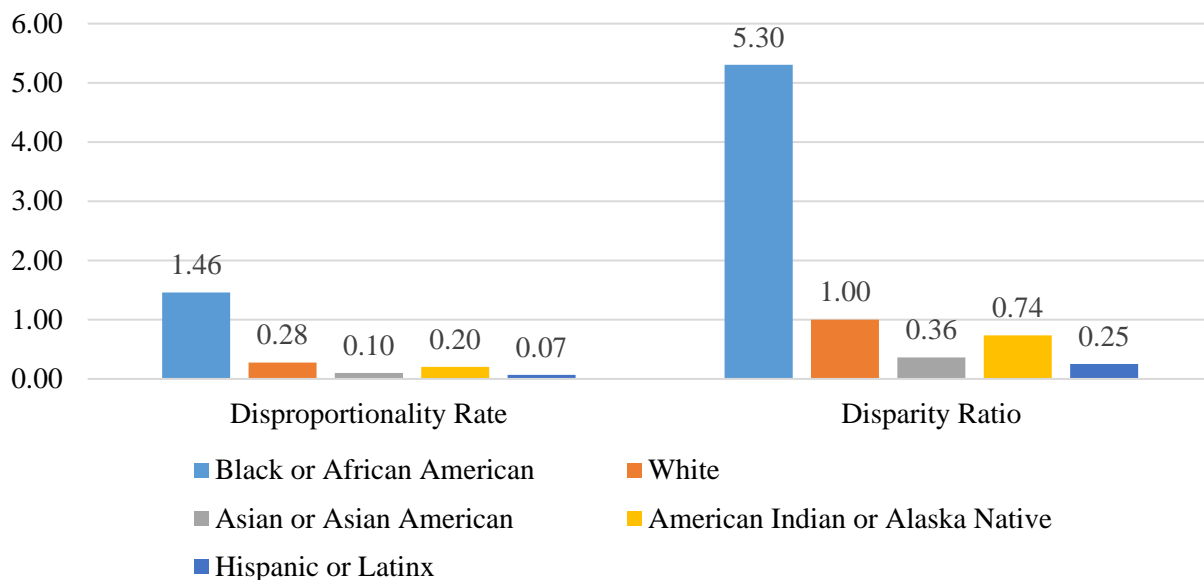
Source: Department of Legislative Services

With respect to nonviolent property crimes in Maryland in 2019, **Exhibit 8** shows the racial disproportionality rates and disparity ratios for Maryland’s burglary and larceny offender population. The data reveals that the disproportionality rate for African Americans or offenders identified as Black is 1.46, which means that African Americans or individuals identified as Black are 1.46 times more likely to be charged for a property crime involving burglary or larceny relative to the proportion of African Americans in the State. This result is expected given the prevailing overrepresentation of incarcerated African Americans or individuals identified as Black in Maryland’s correctional population. Compared to African Americans in this population, Whites and other non-Black offenders have disproportionality rates of less than 1.00. Given the racial demographics of Maryland residents, Whites and other non-Black offenders are underrepresented in this property crime population.



Exhibit 8 also illustrates how racial disparity ratios vary among the different racial groups with respect to individuals charged with property crime related to burglary or larceny in the State. With a racial disparity ratio of 5.30, African Americans or persons identified as Black are more than five times as likely to be criminally charged with property crimes relating to burglary or larceny than their White peers in the State. Regarding the other non-White groups, Exhibit 8 shows that these groups all have a racial disparity ratio of less than 1.00. Thus, they are much less likely than their White peers to be charged with a property crime relating to burglary or larceny in Maryland.

**Exhibit 8**  
**Disproportionality and Disparity Metrics for**  
**Burglary and Larceny Offenders in Maryland**  
**2019**

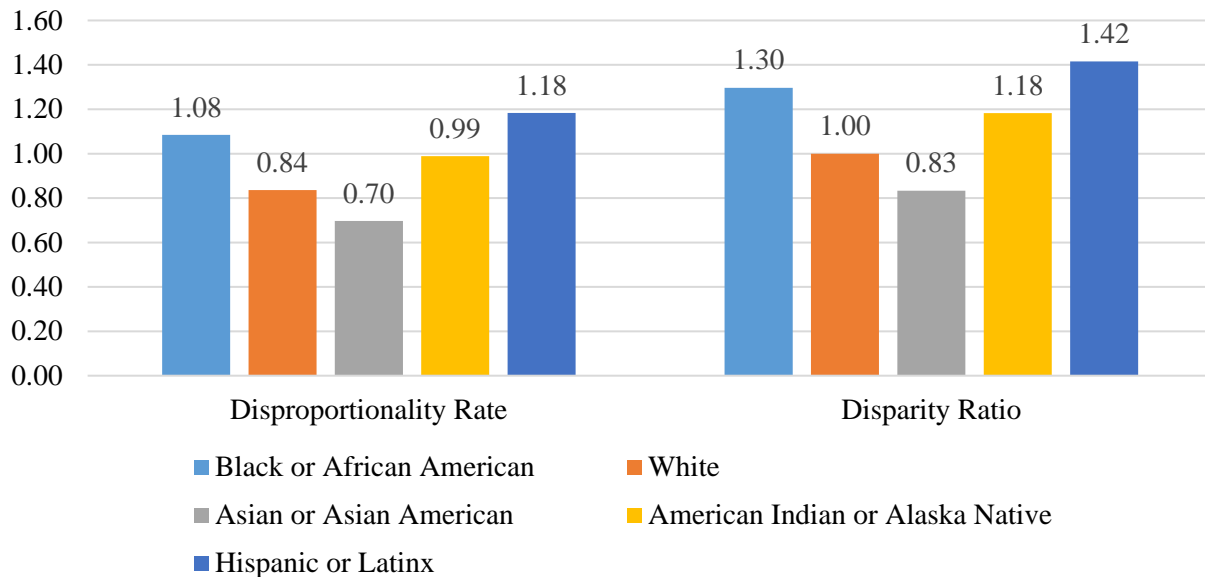


Source: Department of Legislative Services

**Exhibit 9** shows the disproportionality rates and disparity ratios for Maryland’s 2019 burglary and larceny victim population. The data reveal that Hispanic or Latinx victims have a disproportionality rate of 1.18, which is the highest rate when compared to the other ethnic groups. This means that Hispanic or Latinx victims are 1.18 times more likely to be targets of a property crime involving burglary or larceny relative to the overall proportion of Hispanic or Latinx residents in the State. The disproportionality rate for African Americans or victims identified as Black of 1.08 is also greater than 1.00. In other words, Hispanics and people identified as Black are slightly overrepresented among victims of property crimes involving burglary or larceny. Excluding the Latinx and African American victims in this population, all other racial groups have disproportionality rates of less than 1.00. Given the racial demographics of Maryland residents, these other groups are underrepresented as targets of property crimes involving burglary or larceny.

Exhibit 9 also illustrates how racial disparity ratios vary among the different racial groups with respect to victims of property crimes related to burglary or larceny in the State. The 2019 data reveal a racial disparity ratio of greater than 1.00, but less than 2.00, for three groups: Hispanic or Latinx individuals; African Americans or individuals identified as Black; and American Indian or Alaska Native individuals. These three groups are just slightly more likely than Whites to be victims of property crimes relating to burglary or larceny. With a disparity ratio of 0.83, Asian Americans, or residents identified as Asian, are slightly less likely than Whites to be victims of property crimes relating to burglary or larceny in the State.

**Exhibit 9**  
**Disproportionality and Disparity Metrics for**  
**Burglary and Larceny Victims in Maryland**  
**2019**



Source: Department of Legislative Services

## Conclusion

In Maryland, racial and ethnic disparities exist throughout the criminal justice system. These disparities are not exclusive to Maryland but are prevalent throughout the American criminal justice system. National and statewide data reveal racial and ethnic disparities in firearm related property crimes relevant to offender and victim populations.

The statewide racial and ethnic demographics for the entire population, and as compared to the racial and ethnic demographics of individuals serving sentences as shown in Exhibits 1 and 3, suggest that notable disproportionality and disparities exist in Maryland's correctional facilities. Likewise, these disparities are indicative of the disproportionality and disparities existing in Maryland's offender and victim populations of property crimes involving burglary or larceny.

House Bill 633 excludes theft of a firearm from the general theft statute, classifies theft of a firearm as a separate felony offense, and establishes penalties for theft of a firearm. Although there are insufficient data to assess the precise racial impact of House Bill 633, the provisions in this bill are likely to amplify the documented racial inequities and exacerbate current racial disproportionality rates and disparity ratios in Maryland.

Documented racial and ethnic inequities show that African Americans or persons identified as Black are disproportionately and disparately impacted by imprisonment as well as property crime charges related to burglary and larceny. Along with African Americans or persons identified as Black, documented data reports that Hispanic and Latinx individuals are also disproportionately and disparately victimized targets of property crimes involving burglary or larceny in Maryland.

#### *Methodologies, Assumptions, and Uncertainties*

Although some reports use disparity and disproportionality interchangeably, this racial and equity impact note distinguishes them. Disproportionality is the state of being out of proportion. It compares the proportion of one racial or ethnic group of a target population to the proportion of the *same* racial or ethnic demographic group in the general population. Disparity, however, refers to a state of being unequal. A disparity describes an unequal outcome experienced by one racial or ethnic group of the target population as contrast against a different racial or ethnic group in the target population.

The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level. Moreover, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

---

**Information Sources:** University of Baltimore Schaefer Center; Bowie State University; Department of Legislative Services

---

Analysis by: Dr. Jasmón Bailey

Published: April 8, 2021