

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 540 (Senator Raskin, *et al.*)
Judicial Proceedings

Public Safety - Regulated Firearms - Reporting Lost or Stolen

This bill requires the owner of a regulated firearm to report its loss or theft to the local law enforcement agency within 72 hours after the owner first discovers the loss or theft. The bill also requires a dealer or other person who sells or transfers regulated firearms to notify a purchaser or recipient at the time of purchase or transfer that the purchaser or recipient is required to report a lost or stolen regulated firearm to the local law enforcement agency. A violator is guilty of a misdemeanor and, for a first offense, subject to maximum penalties of imprisonment for 90 days and/or a fine of \$500. For a second or subsequent offense, the maximum penalties are imprisonment for one year and/or a fine of \$1,000.

A local law enforcement agency, on receipt of a report of a lost or stolen firearm, must enter specified identifying information of the firearm into the National Crime Information Center (NCIC) Database.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in local expenditures due to the bill's incarceration penalty provision. It is assumed that the bill's responsibilities for local law enforcement agencies can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: A person may not possess, sell, transfer, or otherwise dispose of a stolen “regulated firearm” if the person knows or has reasonable cause to believe that the firearm has been stolen.

A dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000. Each violation is a separate crime.

A “regulated firearm” means any handgun or specified assault weapon.

Background: NCIC is a part of the Federal Bureau of Investigation’s (FBI) Criminal Justice Information Services Division. It is a computerized index of criminal justice information (*i.e.*, criminal record history information, fugitives, stolen properties, missing persons). It is available to federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year. According to the FBI, all records in NCIC are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. The safeguards include restricted access, locks, alarm devices, passwords, and/or encryption.

According to the National Conference of State Legislatures, as of January 2013, the following nine states have statutes requiring the reporting of lost or stolen firearms: California, Connecticut, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, and Rhode Island.

State Revenues: General fund revenues increase minimally as a result of the bill’s monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill’s incarceration penalties due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures increase as a result of the bill’s incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the

first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: Similar bills were introduced in 2008, 2006, 2005, and 2003. SB 585/HB 880 of 2008 received unfavorable reports from the Senate Judicial Proceedings Committee and the House Judiciary Committee, respectively. HB 451 of 2006, a similar bill, received a hearing in the House Judiciary Committee, but no further action was taken. SB 732/HB 803 of 2005 received a hearing in the Senate Judicial Proceedings Committee and the House Judiciary Committee, respectively, but no further action was taken. SB 528 of 2003 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None designated; however HB 1077 (Delegate Clippinger, *et al.* – Judiciary) is identical.

Information Source(s): Kent, Montgomery, Washington, and Worcester counties; Baltimore City; Department of State Police; Judiciary (Administrative Office of the Courts); Maryland State Commission on Criminal Sentencing Policy; Office of the Public Defender; National Conference of State Legislatures; Department of Legislative Services

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mlm/lgc

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