

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1251
Judiciary

(Delegate Clippinger, *et al.*)

Public Safety - Firearms - Firearms Sales Prohibition

This bill prohibits a business that derives more than 10% of its gross revenue from the sale of groceries from selling regulated firearms or ammunition. The bill authorizes a police officer to issue a civil citation to a person if the police officer has probable cause to believe a violation has occurred. A violator is subject to a fine not exceeding \$10,000 and court costs of \$5. The bill specifies the required contents of a citation.

Fiscal Summary

State Effect: Minimal. Any responsibilities for the Department of State Police and the Judiciary can be handled with existing budgeted resources. Any potential revenue from citations is expected to be minimal.

Local Effect: None. The issuance of civil citations by local law enforcement agencies can be handled with existing budgeted resources.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill also requires (1) the form of the citation to be uniform throughout the State and be prescribed by the District Court; (2) the Chief Judge of the District Court to establish a schedule for prepayment of a fine; and (3) the law enforcement agency of the police officer who issued the citation must forward to the appropriate District Court the citation and a request for trial. The District Court must promptly schedule the case for trial and summon the defendant to appear. If a person is

found to have committed a violation, the person is subject to a fine not exceeding \$10,000 and court costs of \$5.

Current Law: A person must lawfully possess a dealer's license issued by the Secretary of State Police before the person engages in the business of selling, renting, or transferring regulated firearms. One dealer's license is required for each place of business where regulated firearms are sold.

An application for a dealer's license must contain the following information:

- the applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, and signature;
- a clear and recognizable photograph of the applicant, unless the photograph has been submitted with a prior year's application;
- a set of the applicant's fingerprints, unless the fingerprints have been submitted with a prior year's application; and
- a statement by the applicant that the applicant is a citizen of the United States, is at least age 21, has never been convicted of a disqualifying crime, has never been convicted of a common law crime and received a term of imprisonment of more than two years, is not a fugitive from justice, is not a habitual drunkard, is not addicted to a controlled dangerous substance or is not a habitual user, and has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application is attached to the application, certifying that the applicant is capable of possessing a regulated firearm without undue danger to the applicant or to another.

In addition, each application for a dealer's license must contain the following statement:

“Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than \$5,000 or both.”

Any dealer or person who knowingly participates in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of provisions governing regulated firearms 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 offense.

A person may not sell, rent, or transfer ammunition solely designed for a regulated firearm to a person younger than age 21. A person may not sell, rent, or transfer to a minor a firearm other than a regulated firearm, ammunition for a firearm, pepper mace, or another deadly weapon. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000.

Small Business Effect: Any business that sells firearms or ammunition and derives more than 10% of its gross revenues from the sale of groceries is negatively affected by the bill's prohibition.

Firearms may only be sold in Maryland by 1 of the 296 licensed firearms dealers. It is estimated that about 2% of all national sales of ammunition occurs in Maryland, totaling 160 to 200 million rounds per year. Most is sold by firearms dealers, sporting good stores, and department stores. However, since there are currently no restrictions on the sale of ammunition, any retail business may sell ammunition in the State.

According to the Comptroller, there are a variety of businesses selling groceries that could be subject to the bill's prohibition on ammunition sales, including independent grocery stores, supermarkets, department stores, variety stores, country general stores, and general merchandise stores. Walmart stores may also be affected, as some Walmart stores sell firearms and ammunition. There are 20 Walmart stores in the State.

Additional Comments: The Office of the Attorney General's (OAG) Firearms Trafficking Unit has initiated a program that, in cooperation with several gun dealers across the State, maintains ammunition logs that include identification information of purchasers of ammunition. According to OAG, review of these logs results in the investigation of individuals who are prohibited from possessing regulated firearms and who are believed to have purchased ammunition which could be used in such firearms.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Kent, Montgomery, Washington, and Worcester counties; Baltimore City; Judiciary (Administrative Office of the Courts); Comptroller's Office; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2013
ncs/lgc

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510