

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1092
Judiciary

(Delegate Gutierrez, *et al.*)

Public Safety - Firearms - Reporting Loss or Theft

This bill requires the owner of a regulated firearm to report its loss or theft to the local law enforcement agency within 48 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 violation is a civil offense and subject to a maximum fine of \$500. The imposition of a civil penalty does not preclude the pursuit of any other civil remedy or criminal prosecution authorized by law.

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: The civil penalty provisions of this bill do not have a material impact on State finances or operations. Enforcement can be handled with the existing budgeted resources of the Department of State Police.

Local Effect: None. 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery, Washington, Worcester counties; Town of Bel Air; Town of Leonardtown; City of Salisbury; Department of State Police; National Conference of State Legislatures; Department of Legislative Services

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mc/lgc

Analysis by: Guy G. Cherry

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