

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 545
Judiciary

(Delegate Howard)

Task Force to Study the Impact of Assault Weapons

The bill establishes a Task Force to Study the Impact of Assault Weapons to study and make recommendations as to whether existing laws and policies relating to assault weapons adequately protect and serve the public. The Governor's Office of Crime Control and Prevention (GOCCP) must staff the task force, which must report its findings and recommendations to the Governor and the General Assembly by December 1, 2013.

The bill takes effect June 1, 2013, and terminates May 31, 2014.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for GOCCP are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must identify and review any data or studies indicating (1) the accessibility of assault weapons to individuals, including youth and individuals convicted of a felony; (2) the number of assault weapons owned by individuals; (3) the number and types of assault weapons in circulation in the State; (4) the number of crimes committed locally and nationally that involved an assault weapon; (5) and trends in the use of assault weapons during the commission of crimes; and (6) the effectiveness of assault weapon laws of other states.

In addition, the task force must study the adequacy of existing State laws and policies, including: (1) the access of individuals to assault weapons; (2) the penalties for crimes involving assault weapons; (3) the storage of assault weapons; and (4) the transfer of assault weapons.

The bill specifies the membership of the task force and requires the Governor to designate the chair. A member of the task force may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law/Background: Generally, the State regulates firearms and crimes related to firearms under Title 5 of the Public Safety Article and Title 4 of the Criminal Law Article, respectively. The State preempts the right of any local jurisdiction to regulate the sale of firearms. The primary enforcement of the State's firearms laws and any licensing requirements are handled by the Department of State Police (DSP) and its Licensing Division.

In 1994, Maryland prohibited the sale and possession of "assault pistols" (defined as 15 specific semiautomatic pistols or their copies). The State also maintains a registration system for the possession of machine guns (fully automatic weapons) in Maryland. However, the lawful possession of a machine gun is limited (for military, law enforcement, or scientific purposes, or as a "curiosity" as long as it cannot be operated as a weapon). Simple possession of a machine gun with either spent or unused ammunition in the "immediate vicinity" is itself a crime.

The State regulates the possession and sale of assault weapons in the same manner as the possession and sale of handguns, both of which are defined together as "regulated firearms." "Assault weapons" are defined as a list of 45 specific semiautomatic weapons and their copies (mostly types of semiautomatic rifles and shotguns). Before a person purchases, rents, or transfers a regulated firearm in the State, the person must submit to DSP, or other designated law enforcement agency, a firearm application that identifies the applicant and the firearm that is the subject of the transaction. Applications are investigated by DSP and are subject to a seven-day waiting period before the transaction may take place.

An applicant must be at least 21 years old; have never been convicted of a felony, crime of violence, or misdemeanor that carries a penalty of more than two years imprisonment; and must not be addicted to drugs or alcohol or have a history of mental disorder. An applicant is required to complete a certified firearms safety course through the Police Training Commission. An application may be denied by the Secretary of State Police if the Secretary determines that the application contained false information or was not

properly completed, or if the Secretary receives notice from a physician that the applicant suffers from a mental disorder and is a danger to the applicant or others.

A federal assault weapons ban was also enacted in 1994. It included a prohibition on the manufacture for civilian use of certain semiautomatic firearms. The ban only applied to weapons manufactured after the date of the ban's enactment. The ban prohibited the manufacture, transfer, or possession of 19 specific models of semiautomatic weapons, and their copies, as well as weapons that have a combination of certain military characteristics, such as large capacity ammunition magazines, flash suppressors, pistol grips on a rifle or shotgun, and barrel shrouds to cool gun barrels during multi-round firings. Some of these characteristics used to define an assault weapon are considered more cosmetic than operational or functional.

The federal ban also applied to the manufacture and sale of ammunition magazines capable of holding more than 10 rounds. It did not extend to weapons and magazines that were manufactured before the ban.

The federal ban expired in 2004 via a sunset provision. Subsequent attempts to renew the ban since 2004 have failed. However, subsequent to several high-profile shootings with semiautomatic weapons in 2012, especially the December event in Connecticut, several bills to reinstate and expand a federal assault weapons ban have been introduced in Congress in 2013.

In addition to Maryland, according to the National Conference of State Legislatures, only Washington, DC and six states (California, Connecticut, Hawaii, Massachusetts, New Jersey, and New York) currently have bans in place that address some of these weapons. It has been reported that the weapons used in the December school shooting in Connecticut were not covered under that state's ban.

On January 16, 2013, President Obama signed 23 executive actions to strengthen existing gun laws and to take related steps addressing mental health and school safety. The President also asked Congress to reinstate and strengthen the assault weapons ban that expired in 2004, to restrict ammunition magazines to no more than 10 rounds, and to expand background checks to virtually all gun transactions. All of these Presidential Actions can be found online at: <http://www.whitehouse.gov/briefing-room/presidential-actions>.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention, National Conference of State Legislatures, www.whitehouse.gov, Department of Legislative Services

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