

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 466
Judiciary

(Delegate Ali, *et al.*)

Baltimore City - Ammunition Sales - Record Keeping

This bill establishes requirements and restrictions relating to the sale, rental, or transfer of ammunition in Baltimore City. In addition, the bill establishes penalties for violations of the bill's provisions.

Fiscal Summary

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

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions. Although Baltimore City did not respond to repeated requests for information regarding the potential fiscal effect of the bill, it is assumed that the Baltimore Police Department can implement the bill's requirements with existing resources.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A manufacturer that ships or transports a handgun for sale, rental, or transfer in Baltimore City must (1) ensure that when ammunition is fired from the handgun, the handgun operates in a manner that includes copying the characters onto the shell casing of the ammunition by means of "microstamping" and (2) certify to licensees that the handgun is capable of microstamping. On receipt of a handgun from a manufacturer, a licensee must confirm to the Baltimore Police Department that the manufacturer has complied with those requirements. A violator is guilty of a misdemeanor and on conviction is subject to maximum penalties of one year imprisonment and/or a \$1,000 fine.

The bill prohibits a person from selling, renting, or transferring ammunition to a purchaser, lessee, or transferee, unless specified age and identification conditions are met. A violator is guilty of a misdemeanor and on conviction is subject to maximum penalties of one year imprisonment and/or a \$1,000 fine.

A licensee must keep records of all receipts, sales, and other dispositions of ammunition made in connection with the licensee's business. The records must include specified information related to the acquisition, sale, and disposition of ammunition. When required by a letter issued by the Baltimore Police Department, a licensee must submit to the department, within 48 hours, the information that is required to be kept under the bill, as specified. The Baltimore Police Department is required to determine the form and method by which the records must be maintained. When a licensee's business is discontinued and succeeded by a new licensee, the records required to be kept under the bill must reflect the business discontinuance and succession and must be delivered to the successor licensee. A first time violator is subject to a civil penalty not exceeding \$1,000. For a second or subsequent offense, a person who knowingly violates these provisions is guilty of a misdemeanor and subject to maximum penalties of three years imprisonment and/or a \$10,000 fine.

The Baltimore Police Department may implement a system by which a licensee can positively establish that a person requesting information by telephone is authorized by the department to request the information. In addition, the Baltimore Police Department may make available to a federal, State, or local law enforcement agency any information that the department obtains under the bill's provisions relating to the identities of persons who have unlawfully purchased or received ammunition.

"Manufacturer" means a person who possesses a federal license to engage in the business of manufacturing firearms or ammunition for sale or distribution.

"Microstamping" means the transfer of a microscopic array of characters that identify the make, model, and serial number of a handgun to a shell casing as the handgun is fired. "Shell casing" means the part of handgun ammunition that contains the primer and propellant powder to discharge the projectile.

Current Law/Background: The State preempts the right of a county, municipality, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of a handgun, rifle, or shotgun, and ammunition for and components of a handgun, rifle, or shotgun.

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 considered a separate offense.

A person who is prohibited from possessing a regulated firearm is also prohibited from possessing ammunition. A violator is guilty of a misdemeanor and on conviction is subject to maximum penalties of one year imprisonment and/or \$1,000 fine.

Chapter 2 of 2000, the Responsible Gun Safety Act of 2000, required any manufacturer that shipped or transported a handgun to be sold, rented, or transferred in the State to include in the box with the handgun in a separate sealed container (1) a shell casing of a projectile discharged from that handgun and (2) additional information that identified the type of handgun and shell casing as required by the Secretary of State Police.

Upon receipt of a handgun from the manufacturer, the dealer was required to confirm to the Department of State Police (DSP) that the manufacturer complied with these requirements. Upon the sale or transfer of the handgun, the dealer was required to forward the sealed container to the State Police Crime Laboratory. Upon receipt of the shell casing and required information, the State Police Crime Laboratory, in DSP's Forensic Services Division (FSD), was required to enter the information in all pertinent databases.

The *2014 Joint Chairmen's Report* required DSP to submit a report on the effectiveness of shell casing identification requirements. A report was submitted in September 2014. According to the report, since 2000, FSD had been receiving required shell casings from handguns sold in Maryland. FSD recorded identifying information and assigned the shell casing a barcode number that was put into the Maryland Shell Casing Reference Database (MSRD); information identifying the purchaser or registrant of the firearm was not recorded. After data was entered, the shell casing was stored in batches at a long-term storage facility located at DSP headquarters, and the forms associated with the shell casing were destroyed. Because MSRD captured data for shell casings for all firearms sold in Maryland, these casings were not allowed to be entered into the National Integrated Ballistic Information Network (NIBIN) database, which is a federal image database that compares shell casings nationwide. NIBIN only allows shell casings involved in criminal investigations or from a confiscated weapon.

Chapter 379 of 2015 repealed the program. In its 14 years in existence, MSRD resulted in 26 back door hits. "Back door hits" are when FSD is able to use information provided by an investigator to retrieve a shell casing that corresponds to a firearm that may have been involved in a crime, which had not been recovered at the time. The shell casing could be compared to the evidence and matched to the crime.

Small Business Effect: As the bill applies only to ammunition sales in Baltimore City, customers who want to purchase ammunition may choose to do so in other parts of the

State in order to avoid the bill's requirements. In addition, manufacturers may choose not to ship or transport a handgun for sale, rental, or transfer by a licensee in Baltimore City in order to avoid the bill's requirements. Accordingly, small business licensees in Baltimore City may be meaningfully affected.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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Analysis by: Shirleen M. E. Pilgrim

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