

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 756 (Delegate Mosby, *et al.*)
 Judiciary

Public Safety - Handguns - Trace Information Database

This bill requires the Maryland State Police Gun Center to create and maintain a handgun trace information database containing information regarding all seized or recovered handguns used in the commission of a crime in the State. The database must include specified information and must be accessible to the public.

Fiscal Summary

State Effect: General fund expenditures increase by \$1.7 million in FY 2019. Future year expenditures reflect annualization and ongoing costs. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,684,900	1,533,000	1,575,600	1,627,500	1,681,300
Net Effect	(\$1,684,900)	(\$1,533,000)	(\$1,575,600)	(\$1,627,500)	(\$1,681,300)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Potential minimal increase in expenditures for local law enforcement agencies to provide information regarding seized and recovered handguns to the Maryland State Police Gun Center. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The database must include information regarding:

- the crime in which the handgun was used;
- the location of the crime in which the handgun was used;

- the current registered owner of the handgun; and
- trace information for the handgun obtained by the Maryland State Police Gun Center.

Current Law/Background: Chapter 427 of 2013 requires a custodian to deny inspection of all records of a person authorized to (1) sell, purchase, rent, or transfer a regulated firearm or (2) carry, wear, or transport a handgun. A custodian must allow inspection of firearm or handgun records by the individual named in the record or the individual’s attorney. These provisions may not be construed to prohibit the Department of State Police (DSP) or the Department of Public Safety and Correctional Services from accessing firearm or handgun records in the performance of that department’s official duty.

The Maryland Gun Center in the Firearms Enforcement Unit of DSP, which opened January 1, 2013, was established in an effort to reduce gun crime and assist State and local law enforcement. The center operates around the clock and is available to any prosecutor or law enforcement officer to assist with the interpretation and prosecution of both federal and State firearms laws.

State Expenditures: General fund expenditures increase by \$1,684,913 in fiscal 2019, which accounts for the bill’s October 1, 2018 effective date. This estimate reflects the cost to develop the required database as well as the cost of hiring 17 administrative officers to perform traces on all seized or recovered handguns used in the commission of a crime in the State and manually enter required information into the database. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	17
Salaries and Fringe Benefits	\$1,043,814
Database Development	550,000
Other Operating Expenses	<u>91,099</u>
Total FY 2019 State Expenditures	\$1,684,913

The information and assumptions used in calculating the estimate are stated below:

- Currently, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE) authorizes law enforcement agencies to access trace information on a handgun without going through the Gun Center for law enforcement investigative purposes; however, the bill requires the Gun Center to obtain the trace information for each handgun. As the purpose of the bill is not specifically related to a law enforcement investigative purpose, in order to implement the bill, the Gun Center needs to perform a trace for each handgun and manually enter the information into the database. In addition, the Gun Center must track down information relating to the crime in which the handgun was used from each investigating law enforcement agency.

- The Gun Center currently has five civilian administrative officers. Each administrative officer is capable of handling approximately 302 cases per year plus data entry. However, the administrative officers do not currently track down the original crime or specific crime location for each handgun. In 2016, the center conducted approximately 1,500 traces of seized handguns in the State. According to ATFE, approximately 8,400 traces were requested by Maryland law enforcement agencies in 2016; approximately 4,990 of the traces requested were related to a handgun.

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses, including database maintenance.

Additional Comments: As State law prohibits the disclosure of information relating to handgun owners, the Gun Center cannot publicly disclose information regarding the current registered owner of the handgun, as required by the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Charles, and Montgomery counties; City of Havre de Grace; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2018
mag/lgc

Analysis by: Shirleen M. E. Pilgrim

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