

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 907 (Senator Waugh)
 Judicial Proceedings

Public Safety - Firearms Database

This bill requires the Secretary of State Police to create and maintain a database containing information regarding the use of firearms in the commission of a crime and self-defense. The database must meet specified requirements and must be accessible to the public.

Fiscal Summary

State Effect: General fund expenditures increase by \$307,500 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	307,500	156,200	160,000	164,900	170,000
Net Effect	(\$307,500)	(\$156,200)	(\$160,000)	(\$164,900)	(\$170,000)

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 firearms to the Department of State Police (DSP). Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The database must include the following information regarding all seized or recovered firearms used in the commission of a crime:

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

- whether the firearm was legally owned; and
- the current owner of the firearm.

The database must include the following information regarding firearms used for self-defense:

- a description of the incident in which the firearm was used for self-defense;
- the location of the incident in which the firearm was used;
- whether the firearm was legally owned; and
- the current owner of the firearm.

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 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.

According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), firearms tracing is the systematic tracking of the movement of a firearm recovered by a law enforcement official from its first sale by the manufacturer or importer through the distribution chain (wholesaler/retailer) to the first retail purchaser. Comprehensive firearms tracing is the routine tracing of every crime gun recovered within a geographic area or specific law enforcement jurisdiction. ATFE accepts firearms trace requests from any law enforcement agency in the course of a bona fide criminal investigation.

State Expenditures: General fund expenditures for DSP increase by \$307,476 in fiscal 2019, which accounts for the bill's October 1, 2018 effective date. This estimate reflects the cost to develop the required database and the cost of hiring one administrative officer and one office services clerk to collect the required information from law enforcement agencies and enter the information into the database. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	2
Salaries and Fringe Benefits	\$96,758
Database development	200,000
Other Operating Expenses	<u>10,718</u>
Total FY 2019 State Expenditures	\$307,476

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

- Currently, ATFE authorizes law enforcement agencies to access trace information on a firearm without going through DSP for law enforcement investigative purposes. DSP does not receive reports from other law enforcement agencies in the State regarding firearm traces conducted by the agency unless the agency requests assistance from DSP. Therefore, under the bill, DSP needs to track down information relating to the crime in which the firearm was used or information regarding the self-defense incident from each investigating law enforcement agency.
- The Gun Center within DSP currently has five civilian administrative officers. Each administrative officer is capable of handling approximately 302 firearm trace cases per year plus data entry. However, the administrative officers do not currently track down the original crime or specific crime location for each firearm. 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 firearm owners, DSP cannot publicly disclose information regarding the current owner of a firearm, as required by the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police; Department of Legislative Services

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mag/lgc

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