

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 591
Judiciary

(Delegate Clippinger)

Judicial Proceedings

Public Safety – Lost or Stolen Regulated Firearm – Reporting

This bill increases the penalties applicable to the knowing and willful failure to report the loss or theft of a regulated firearm, as specified, by the owner of a regulated firearm. The maximum civil penalty of a \$500 fine for a first-time violator is repealed; instead, a first-time violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$1,000. In addition, the maximum penalty for a second or subsequent violation, which remains a misdemeanor, is increased from 90 days imprisonment and/or a fine of \$500 to one year imprisonment and/or a fine of \$2,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's increased monetary penalty provisions. Expenditures are not anticipated to be affected.

Local Effect: Potential minimal increase in local expenditures due to the bill's increased incarceration penalty provisions. Revenues are not likely affected.

Small Business Effect: None.

Analysis

Current Law: A dealer or any other person who sells or transfers a regulated firearm must notify the purchaser or recipient of the firearm at the time of purchase or transfer that the purchaser or recipient is required to report a lost or stolen firearm to the local law enforcement agency.

If a regulated firearm is lost or stolen, the owner of the firearm must report the loss or theft to the local law enforcement agency within 72 hours after the owner first discovers the loss or theft. On receipt of a report of a lost or stolen firearm, a local law enforcement agency must report to the Secretary of State Police and enter into the National Crime Information Center database, to the extent known, the caliber, make, model, manufacturer, and serial number of the firearm and any other distinguishing number or identification mark on the firearm.

A knowing and willful first-time violation of these provisions is a civil offense punishable by a fine of up to \$500. A second or subsequent violation is a misdemeanor, punishable by imprisonment for up to 90 days and/or a fine of up to \$500. The imposition of a civil or criminal penalty does not preclude the pursuit of any other civil remedy or criminal prosecution authorized by law.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 1050 (Senator Sydnor, *et al.*) - Judicial Proceedings.

Information Source(s): Anne Arundel, Charles, and Frederick counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2020
mr/lgc Third Reader - March 14, 2020

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