

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 1629
 Judiciary

(Delegate Clippinger)

Judicial Proceedings

Office of the Attorney General – Firearm Crime, Injuries, Fatalities, and Crime
 Firearms – Study

This bill requires the Office of the Attorney General (OAG) to (1) study information regarding “firearm crimes” committed in the State since August 1, 2015, as specified; (2) identify specified information for each 9-1-1 request for emergency assistance involving a firearm crime; (3) study information regarding “firearm injuries and fatalities” occurring in the State since July 1, 2020, as specified; and (4) with regard to “crime firearms,” study, report, compile, collect, and gather specified information. All State and local law enforcement agencies and other governmental units must provide OAG with any and all information necessary to complete the study. OAG must report to the Governor and the General Assembly, by specified dates, specified findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered. **The bill takes effect June 1, 2020, and terminates December 31, 2022.**

Fiscal Summary

State Effect: The FY 2021 budget includes \$200,000 in general funds for OAG to conduct the required study, contingent upon the enactment of this bill. Potential minimal increase in general fund expenditures for some State agencies to provide information to meet the bill’s requirements, as discussed below. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	200,000	0	0	0	0
Net Effect	(\$200,000)	\$0	\$0	\$0	\$0

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

Local Effect: Potential minimal increase in local government expenditures for some counties to provide information to meet the bill’s requirements. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: OAG must report to the Governor and the General Assembly:

- by December 1, 2020, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2015, through July 31, 2019;
- by December 1, 2021, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2019, through July 31, 2020; and
- by December 1, 2022, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2020, through July 31, 2021.

“Crime firearm” means a firearm that is (1) used in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article or (2) recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer. “Firearm crime” means a crime of violence, as defined in § 5-101 of the Public Safety Article, involving the use of a firearm. “Firearm injury and fatality” means an injury or fatality caused by a firearm.

Current Law: Chapter 335 of 2019 requires the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOVS) (then known as the Governor’s Office of Crime Control and Prevention) to gather, study, and compile specified information regarding “crime firearms” in the State. Specifically, GOVS must:

- study information regarding crime firearms in the State, as specified;
- report the crimes committed with crime firearms by jurisdiction, including (1) the number of charges and convictions for specified crimes and (2) the number and types of criminal charges associated with a crime firearm;
- compile all available information and data regarding the source of crime firearms, as specified;
- collect information on the length of time between the origination and recovery of a crime firearm; and
- gather information regarding whether the individuals found in possession of crime firearms were previously prohibited from possessing a firearm.

“Crime firearm” means a firearm that is (1) used in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article or (2) recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer.

The Department of State Police must provide GOVS with any and all information necessary to complete the study. By December 1, 2020, GOVS must report its findings to the Governor and the General Assembly.

The Attorney General acts as legal counsel to the Governor; the General Assembly; the Judiciary; and all departments, boards, and commissions (except the Maryland Commission on Civil Rights, the Public Service Commission, and the State Ethics Commission). OAG represents the State in all matters of interest to the State, including civil litigation and criminal appeals in all State and federal courts. The office also reviews legislation passed by the General Assembly prior to consideration by the Governor. The office is currently supported by 14 divisions: Legal Counsel and Advice; Securities; Consumer Protection; Antitrust; Medicaid Fraud Control; Civil Litigation; Criminal Appeals; Criminal Investigation; Educational Affairs; Correctional Litigation; Contract Litigation; People's Insurance Counsel; the Juvenile Justice Monitoring Unit; and the newly created Baltimore City Violent Crime Prosecution Division.

Section 5-101 of the Public Safety Article defines a "crime of violence" as (1) abduction; (2) arson in the first degree; (3) assault in the first or second degree; (4) burglary in the first, second, or third degree; (5) carjacking and armed carjacking; (6) escape in the first degree; (7) kidnapping; (8) voluntary manslaughter; (9) maiming; (10) mayhem; (11) murder in the first or second degree; (12) rape in the first or second degree; (13) robbery; (14) robbery with a dangerous weapon; (15) sexual offense in the first, second, or third degree; (16) home invasion; (17) felony sex trafficking and forced marriage; (18) an attempt to commit offenses (1) through (17); or (19) assault with the intent to commit offenses (1) through (17) or a crime punishable by imprisonment for more than one year.

State Expenditures: The fiscal 2021 budget includes \$200,000 in general funds for contractual services for OAG to conduct the required study, contingent upon the enactment of this bill. The Department of Legislative Services also advises that, as GOVS is working on a similar study, resources between OAG and GOVS can likely be shared to meet the bill's requirements.

The Judiciary advises that if its Judicial Information Systems department must provide information to OAG as a result of the bill, programming changes are needed at an estimated one-time cost of \$59,928. Accordingly, general fund expenditures may increase minimally for the Judiciary and any other State agency that must provide additional information to OAG as a result of the bill. It is assumed, however, that most State agencies can provide such information to OAG with existing resources.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 1047 (Senator Beidle, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore City; Howard and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Comptroller's Office; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Attorney General; University System of Maryland; Morgan State University; Department of Budget and Management; Department of General Services; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2020
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