



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: March 1, 2021

BILL NUMBER: House Bill 175 **POSITION:** Letter of Concern

BILL TITLE: Public Safety – Ammunition – Sales and Transfer

This legislation seeks to require an ammunition vendor to confirm identification of the purchaser or transferee of ammunition using a driver's license or other government issued identification. The ammunition vendor shall conduct a NICS background check on a purchaser or transferee of ammunition before the sale or transfer of ammunition. The bill also requires the Secretary of State Police to develop an electronic format for the reporting of ammunition sales or transfer by vendors and retain the information for law enforcement use.

Under current law, only Federal Firearms License (FFL) holders may initiate a NICS background check and only in connection with a proposed firearm transfer as required by the Brady Act. FFLs are strictly prohibited from initiating a NICS background check for any other purpose. This federal requirement or access to their background check system provides two problems for implementation of this legislation. First, the sale of ammunition is not a firearms transfer, so no one would be able to access NICS for the purpose of a background check for an ammunition transaction. Second, not every retailer who sells ammunition is an FFL or dealer. Non-FFLs would not have access to the NICS system regardless of the other prohibition.

The legislation also requires the Department of State Police to establish a database for which all ammunition sales or transfers, not exempted in the bill, would be submitted by vendors. Businesses or police agencies who purchase ammunition are not exempted from the legislation. The bill requires the vendor to collect and maintain the information on each transfer electronically. However, denials are not recorded except in the NICS file. To require the Department to duplicate the dealer's records would be unnecessary and expensive. The Department estimates it would cost in excess of \$500,000 to develop this database. That does not include the cost each vendor, many of which are small businesses, would endure to comply with their requirements.

If the NICS query was allowed to be processed, based on the federal guidelines, NICS already transmits a notice to the Department anytime a NICS background check results in a denial. So, any prohibited transaction would be flagged and the appropriate follow up would be initiated by the Department.