

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of State Police
(DLS Control No. 15-165)**

Overview and Legal and Fiscal Impact

This action conforms to Chapter 379 of 2015 by repealing COMAR 29.03.01.58 Handguns – Shell Casings, thereby eliminating the requirement that shell casings be sent to the Maryland Department of State Police Crime Laboratory by firearms dealers for handguns sold or transferred in the State.

The action presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of State Police: Weapons Regulation: Regulated Firearms: COMAR 29.03.01.58

Legal Analysis

Background

Chapter 379 of 2015 repealed the requirements for (1) handgun manufacturers to provide to handgun dealers shell casings of projectiles discharged from handguns and other specified additional information; (2) handgun dealers to forward shell casings and other specified information to the department's crime laboratory; and (3) the Department of State Police to enter specified information in a relevant database.

COMAR 29.03.01.58 is the department's regulation implementing the now repealed shell casing requirements. In light of the enactment of Chapter 379 of 2015, this regulation is obsolete.

Summary of Regulation

The action repeals COMAR 29.03.01.58 Handguns – Shell Casings.

Legal Issue

The action presents no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites § 5-105 of the Public Safety Article and Title 4, Subtitle 3 of the Criminal Law Article as statutory authority for the action. Section 5-105 of the Public Safety Article requires the secretary of the department to adopt regulations to carry out Subtitle 3 of the Public Safety Article, which pertains to regulated firearms. Title 4, Subtitle 3 of the Criminal Law Article, which controls individual ownership of assault weapons and detachable magazines, is not relevant to the department's rule-making authority.

The relevant cited authority is correct and complete. The action complies with the legislative intent of the law.

Technical Corrections and Special Notes

As submitted, the department only referenced "legislation introduced in 2015 and signed into law with an effective date of October 1, 2015" in its Statement of Purpose; the department subsequently confirmed that the legislation in question is Chapter 379 of 2015. The department further indicated it will update the statement of purpose accordingly and confirmed that the action will take effect no earlier than October 1, 2015.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs and notes that the bill implements Chapter 379 of 2015 (Senate Bill 736) by repealing a provision related to handgun shell casings. The fiscal and policy note for Senate Bill 736 indicated that the bill's requirements can be met with the department's existing budgeted resources and that any departmental personnel currently assigned to the shell casing program can be reassigned to other activities.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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