

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of State Police  
(DLS Control No. 16-048)**

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**Overview and Legal and Fiscal Impact**

This action repeals regulations requiring the collection, cataloguing, storage, and maintenance of a database of shell casings by the Department of State Police.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of State Police:**

Crime Laboratory: Ballistic Fingerprinting: COMAR 29.05.02.01-.08

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**Legal Analysis**

**Background**

In support of the Responsible Gun Safety Act of 2000, the department acquired a ballistics imaging system that was intended to create digital records of shell casings from new handgun purchases in the State. The digital record was intended to capture the unique identification marks on the shell casing, which could then be compared to shell casings involved in criminal investigations in hopes of finding a match. While other imaging databases for fingerprints and DNA have been successful, the ballistics imaging database failed to function as designed. As a result, imaging was ceased in 2007.

The 2014 Joint Chairmen's Report required the department to submit a report on the effectiveness of shell casing identification requirements. That report was submitted in September 2014. According to the report, beginning in 2000, the department began receiving required shell casings from handguns sold in Maryland. The department recorded identifying information and assigned the shell casing a barcode number that was put into the Maryland Shell Casing Reference Database; information identifying the purchaser or registrant of the firearm was not recorded. After data was entered, the shell casing was stored in batches at a long-term storage facility located at department headquarters and the forms associated with the shell casing were destroyed.

## **Summary of Regulation**

This action repeals COMAR 29.05.02.01 through .08 as a result of the repeal of § 5-131 of the Public Safety Article by Chapter 379 of 2015. Former § 5-131 of the Public Safety Article required handgun manufacturers to provide handgun dealers with shell casings of projectiles discharged from handguns and other specified additional information, handgun dealers to forward shell casings and other information to the department's Crime Laboratory, and for department to enter information in a database.

## **Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites §§ 5-105 and 5-131 of the Public Safety Article as authority for the action and notes Chapter 379 of 2015. More specifically, § 5-105 empowers the Secretary of State Police to adopt regulations to accomplish the department's duties under the Public Safety Article. Former § 5-131, which established the shell casing requirements for manufacturers, dealers, and the department, was repealed by Chapter 379 of 2015.

This authority is correct and complete. The proposed repeal complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs; the regulations merely implement Chapter 379 of 2015 (Senate Bill 736). Any fiscal impact has already been accounted for in the fiscal and policy note for Senate Bill 736, which noted that the bill could be implemented with existing resources.

## **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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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