

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 185

(Delegate K. Kelly)

Judiciary

Firearms - Handgun Shell Casing Requirements - Repeal

This bill repeals the “ballistic fingerprinting” provisions of the Responsible Gun Act of 2000 that require handgun manufacturers to supply shell casings to the Department of State Police for firearms identification purposes.

Fiscal Summary

State Effect: The proposed FY 2002 budget provides \$570,100 for ballistics fingerprinting, not including general funds already spent for new database installation and some personnel already hired. Accordingly, this bill would result in a general fund expenditure savings of \$570,100 in FY 2002. Out-year savings reflect salary adjustments and inflation. Revenues would not be affected.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	(570,100)	(620,300)	(650,000)	(681,800)	(715,700)
Net Effect	\$570,100	\$620,300	\$650,000	\$681,800	\$715,700

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

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Gun manufacturers that ship or transport a handgun to be sold, rented, or transferred in the State must include in the box with the handgun in a separate sealed

container: (1) a projectile discharged from that handgun; (2) a shell casing of a projectile discharged from that handgun; and (3) any additional information that identifies that handgun, projectile, or shell casing as required by the Secretary of the State Police.

Upon receipt of a handgun, a dealer must confirm to the Department of State Police that the manufacturer has complied with the provisions of the proposed law. Upon the sale or transfer of the handgun, the dealer must forward the sealed container to the State Police Crime Laboratory. Upon receipt of the projectile, shell casing, and required information, the State Police must enter the information into pertinent databases.

Background: Ballistics fingerprinting was enacted in 2000 as part of the Responsible Gun Safety Act of 2000. It was part of the legislative package proposed by the Governor's Task Force on Childproof Guns.

According to some news reports, major gun manufacturers including Browning, Colt, and High Point, had refused to ship to Maryland, and several others were willing to ship only a portion of their models. According to news reports in late February 2001, a compromise agreement had been reached between these companies and the State Police.

The compromise -- which calls for the State Police to test-fire handguns before they are sold so the manufacturers don't have to -- ends what some had described as a "de facto ban on gun sales" created by Maryland's enforcement of the new gun-safety law. The State Police will hire six retired officers to travel the State for the next six months to test-fire dealers' guns before they are sold and collecting the spent casings. The State Police are expected to charge dealers \$20 per gun to cover their costs.

New York's legislature has adopted ballistic fingerprint requirements similar to Maryland's that were due to take effect March 1, 2001 and several other states (including California, Florida, and Massachusetts) are considering similar provisions.

State Expenditures: The Department of State Police has contracted with an outside vendor to design and install the shell casing database, known as IBIS, "Integrated Ballistic Identification System." The characteristics of the shell casing are entered by State Police personnel into IBIS, which will be used to trace the origin of shell casings found at crime scenes. The database will store a ballistic fingerprint of every firearm sold in the State as mandated by the Responsible Gun Safety Act of 2000. The State Police is seeking a fiscal 2001 deficiency appropriation of \$1,444,000.

For fiscal 2002 and beyond, all ballistic fingerprinting operations for the State Police is expected to cost an estimated \$750,000 annually in operating costs including personnel, the database maintenance contract, three new cars, and miscellaneous equipment and

supplies. This includes costs associated with database entries into IBIS from both gun manufacturers as well as from continuing crime scene investigations. The State Police has conducted an education program in consultation with the Office of the Attorney General to inform dealers of their obligations under the new law. Because the shell casing requirement only recently became effective, it is too early to evaluate dealer compliance or the legislation's impact on tracing firearms used in crimes.

In fiscal 2001 and 2002 combined, 17 people are planned to be hired to examine shell casings, operate the database, and audit firearms dealers. Five of those positions are already filled and will be necessary even with or without enactment of this bill. The overall fiscal 2002 personnel costs for 17 people for this function are approximately \$643,000, with annual attendant operating costs of approximately \$112,000.

The Governor's fiscal 2002 allowance includes \$570,081 to hire an additional 12 persons, including three firearms toolmark examiners, three laboratory technicians, two State troopers, one auditor, one inventory control specialist, and two office clerks. Future year expenditures would include: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses. Although the State Police have advised that expenditures would not be affected, it is assumed that all these new annual expenditures would be eliminated beginning in fiscal 2002.

Small Business Effect: This bill could have a meaningful effect on gun dealers in the State. It is believed that fewer handguns have been shipped into Maryland by manufacturers since ballistic fingerprinting requirements went into effect. If those requirements were eliminated in Maryland, it is assumed that normal handgun shipping would resume and have a positive effect on dealer sales.

Additional Information

Prior Introductions: None.

Cross File: None, although SB 758 is identical.

Information Source(s): Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader – March 12, 2001
ncs/jr

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