

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 1142

(Delegate Owings)

Judiciary

Firearms - Disposition by Law Enforcement Units - Sale to Licensed Dealers

This bill requires a law enforcement agency seeking to dispose of a firearm in the possession of the agency to do so in certain ways (now applicable only to the disposal of handguns), and includes the sale, exchange, or transfer of such a firearm to a licensed firearms dealer as an authorized disposal method. The bill requires a law enforcement unit to send certain information, including the license number and address of a dealer, to the State Police when such a firearm disposal has occurred. The bill also authorizes a law enforcement unit to dispose of a forfeited handgun by sale, exchange, or transfer to a licensed firearms dealer.

The bill provides that, if a law enforcement agency sells, exchanges, or transfers a firearm to a firearms dealer, the firearms dealer may sell the firearm to the law enforcement officer to whom the firearm was previously assigned. The bill eliminates provisions by which a police employee, or retiree may directly acquire a handgun from the employing law enforcement agency.

Fiscal Summary

State Effect: Minimal. Annual general fund expenditure increase of \$18,250 for the State Police in replacement handgun costs. Potential minimal revenue increases for State law enforcement agencies choosing to sell firearms to licensed firearm dealers.

Local Effect: Potential minimal revenue increases for local police agencies choosing to sell handguns of retired officers to licensed firearms dealers if they do not now sell such weapons to the retired officer.

Small Business Effect: Potential meaningful. It is assumed that any firearm sold by a dealer back to the law enforcement officer to whom the firearm was previously assigned would be sold at a profit and not at cost. The extent to which such sales are made by any one dealer could result in meaningful profits for that dealer.

Analysis

Current Law: A law enforcement unit that acquires a handgun (as well as specified ammunition, parts, and appurtenances) via forfeiture may only: (1) order the property retained for the official use of the law enforcement unit; (2) destroy the forfeited property; or (3) sell, exchange, or transfer the forfeited property to another law enforcement unit for official use by that unit.

A law enforcement agency seeking to dispose of a handgun owned by the agency must: (1) destroy the handgun; (2) sell, exchange, or transfer the handgun to another law enforcement agency for official use by that agency; (3) sell the handgun to a retired police employee; or (4) sell the handgun to the law enforcement officer to whom the handgun was assigned.

Background: All State Police troopers are equipped with handguns purchased by the department under an exclusive contract with Beretta USA. The department allows a retiring trooper the option to purchase his or her issued handgun. The trooper must pay the department an amount equal to the replacement cost of the handgun. Current replacement value is approximately \$438.

It is departmental policy not to sell, transfer, or exchange any weapons to any firearms dealer. The department's policy regarding such handguns is to destroy those that cannot continue to be utilized by the department.

State Fiscal Effect: Over the last three years, the State Police has sold approximately 125 handguns to retired troopers. The revenues generated from the sale (\$54,750) fully offset the purchase of new handguns from Beretta USA. The last 125 new troopers hired by the department were issued a new handgun at virtually no cost to the agency.

Under this bill, the State Police would no longer have the option of selling the issued handgun directly to the retired officer. The department would be allowed to sell the handgun to a licensed firearm dealer, who may sell the weapon to the retired trooper. However, the department advises that its policy not to sell, transfer, or exchange a firearm to a dealer would not change with the enactment of this bill. Even though the department would be allowed under the bill to reissue the used handgun, new trooper

candidates would continue to be issued new handguns. Accordingly, the State Police would incur additional expenditures of approximately \$18,250 annually to equip new trooper candidates with handguns.

Local Revenues: Montgomery County advises that this bill would have no fiscal impact. County law prohibits the sale of “surplus” law enforcement weapons to anyone. Currently Montgomery County destroys all such weapons that are not retained for training purposes. All destroyed weapons are reported to the State Police.

Garrett County reports that such firearms are not now sold and that, under this bill, some additional revenue could be generated from the sale of such firearms to licensed firearms dealers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Garrett County, Dorchester County, Department of State Police, Baltimore City, Department of Legislative Services

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