

Department of Legislative Services
 Maryland General Assembly
 2003 Session

FISCAL AND POLICY NOTE

House Bill 696 (Delegate Franchot)
 Judiciary

Firearms - Shell Casings and Other Identification Information

This bill applies all current handgun ballistic fingerprinting requirements, now applicable to firearm manufacturers and dealers, to all “firearms.” The bill subjects any dealer or other person who knowingly participates in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of the shell casing sampling and collection requirements of the bill to maximum misdemeanor penalties of imprisonment for up to five years and/or a fine of up to \$10,000.

Fiscal Summary

State Effect: General fund expenditure increase for the State Police of \$2,359,800 in FY 2004, including some substantial one-time computer related costs. Out-year costs reflect annualization and inflation. Revenues would not be affected. The criminal penalty provisions of this bill are not expected to significantly affect State finances or operations.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2,359,800	135,600	145,100	155,600	167,100
Net Effect	(\$2,359,800)	(\$135,600)	(\$145,100)	(\$155,600)	(\$167,100)

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

Local Effect: The bill’s criminal penalty provisions are not expected to significantly affect local finances or operations.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Any manufacturer that ships or transports a handgun to be sold, rented, or transferred in the State is required to include in the box with the handgun in a separate sealed container: (1) a shell casing of a projectile discharged from that handgun; and (2) additional information that identifies the type of handgun and shell casing as required by the Secretary of State Police.

Upon receipt of a handgun from the manufacturer, the dealer must confirm to the State Police that the manufacturer complied with these requirements. Upon the sale or transfer of the handgun, the dealer is required to forward the sealed container to the State Police crime laboratory. Upon receipt of the shell casing and required information, the State Police crime laboratory must enter the information in all pertinent databases.

Any dealer or person who knowingly participates in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of provisions governing regulated firearms is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000. Each violation must be considered a separate offense.

“Firearm” means: (1) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or (2) the frame or receiver of such a weapon. The term includes a starter gun.

“Handgun” means any firearm with a barrel less than 16 inches in length including signal, starter, and blank pistols.

Background: Shell casing information, using digital imaging software and handgun owner information, is entered into the Maryland Integrated Ballistic Identification System (MD IBIS). Bullets are not entered into MD IBIS. MD IBIS constitutes the State’s ballistic fingerprint database.

When evidence shell casings are recovered from crime scenes, the identifying marks found on that evidence are correlated or searched against the MD IBIS database. When potential matches are identified by the ballistics-imaging system and a firearms examiner positively identifies the match, the State Police is led to the original owner of the handgun, providing a potential investigative lead. MD IBIS also serves as a screening tool to eliminate certain evidence and potential leads.

Since the early 1990s, the federal government has been operating computer systems able to process both bullets and shell casings, also referred to as the Integrated Ballistics

Identification System (IBIS), and originally known as the National Integrated Ballistics Information Network (NIBIN). This information is based on ballistic evidence obtained at crime scenes and does not include shell casings from newly manufactured guns, as is the case in Maryland. As of May 2002, 36 states and territories (including Maryland) have installed federal IBIS-NIBIN. Since 1992, when the federal IBIS program began, there have been 119,369 ballistics images placed in the system and 4,429 matches or hits.

State Expenditures: In calendar 2001, 51,000 requests were made for computer background checks relating to the purchase of a long gun in the State (shotguns, rifles, and other long guns). In calendar 2002, 47,000 computer checks were requested for sales of such weapons. This bill would require the casings of these firearms to be shipped to the State Police and entered into MD IBIS.

Currently, the State Police employs two technicians to enter the information into the databases. According to the State Police, each technician can enter a maximum of 50 shell casings into the database per workday and about 11,200 per year.

Assuming that the State Police would be required to enter data from an additional 49,000 shell casings into MD IBIS annually under this bill, general fund expenditures would increase by an estimated \$2,359,765 in fiscal 2004, which accounts for the bill's June 1, 2003 effective date and a 90-day start-up delay. This estimate reflects the cost of hiring four additional laboratory technicians (one of whose jobs would be primarily administrative) to do the additional MD IBIS data entries. It includes salaries, fringe benefits, some substantial one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- the purchase of three additional computer workstations would be necessary at a one-time cost of \$500,000 for each station;
- an additional computer storage "tower" would be necessary at a one-time cost of \$250,000; and
- the current MD IBIS software system could not handle the additional search capacities required under this bill. Thus, current computer software would have to be upgraded at a one-time cost of about \$500,000.

Salaries and Fringe Benefits	\$97,675
Three New Workstations	1,500,000
Computer Storage Tower	250,000
Software Upgrades	500,000
Other Operating Expenses	<u>12,090</u>
Total FY 2004 State Expenditures	\$2,359,765

Future year expenditures reflect: (1) full salaries with 4.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Small Business Effect: It is believed that fewer handguns have been shipped into Maryland by manufacturers since ballistic fingerprinting requirements went into effect. This bill could negatively affect the sale, purchase, or transfer of shotguns, rifles, and other long guns in the State. The magnitude of such an effect cannot be reliably quantified.

Additional Information

Prior Introductions: None.

Cross File: SB 208 (Senator Forehand, *et al.*) – Judicial Proceedings.

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

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510