

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 579
Judiciary

(Delegate Smigiel, *et al.*)

Handguns - Identification Requirements - Repeal

This bill repeals: (1) the requirement imposed on handgun manufacturers to provide to handgun dealers shell casings of projectiles discharged from handguns and other specified additional information; and (2) the requirement imposed on handgun dealers to forward shell casings and other specified information to the Department of State Police Crime Laboratory.

Fiscal Summary

State Effect: Minimal. While this bill eliminates “ballistic fingerprinting” obligations for the State Police tied to new handgun sales, crime scene ballistics data collections would continue.

Local Effect: None.

Small Business Effect: Potential meaningful. This bill could result in an increase in handgun sales in the State. The extent of such an increase cannot be reliably quantified. However, the State Police reports that gun sales decreased by 11%, from 28,003 handguns sold in calendar 2001 (the advent of shell casing submission requirements for manufacturers) to 24,863 handguns sold in calendar 2002.

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.

These provisions were contained in Chapter 2 of 2000, the Responsible Gun Safety Act of 2000.

“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.

MD IBIS currently contains 34,403 records and two “hits” have been made using the data in MD IBIS. From October 1, 2000 through January 1, 2003, 21,717 shell casings from newly manufactured guns and 113 crime gun shell casings were received and processed into IBIS

State Expenditures: In fiscal 2001, the State Police had start-up costs for MD IBIS of \$1,444,305, over half of which consisted of the purchase of new equipment. The Governor’s fiscal 2004 allowance provides \$339,508 to fund MD IBIS, including \$201,330 in personnel costs for four full-time employees (salaries and fringe benefits). Other operating costs for fiscal 2004, including service costs on equipment, total \$138,178.

Two major factors govern the workload for the State Police crime lab: (1) the availability of evidence at crime scenes that could be processed through MD IBIS for possible investigative leads; and (2) the number of handguns sold in the State requiring the entry of a shell casing in the MD IBIS system. The crime solving aspect of MD IBIS is difficult to predict. With respect to shell casing data submitted by manufacturers for new handgun sales, originally the State Police expected that it would receive 30,000 manufacturer cartridge cases per year based on gun sales in 1999; however, the current average is around 10,000.

Even though this bill would eliminate requirements relating to shell casing data collections on new handgun sales, crime scene ballistics data collections would continue. Personnel currently assigned to MD IBIS would either continue in that capacity or be reassigned to other ongoing departmental functions. It is assumed that MD IBIS equipment, including that which was purchased as a result of enactment of Chapter 2 of 2000, would continue to be used by the department and would not be sold. In addition, service costs on that equipment (about \$135,000 annually) would also continue to some extent. Accordingly, this bill would result in some reorganization and reallocation of current resources, and produce little (if any) actual fiscal savings for the department.

Additional Comments: Due to additional provisions in the Gun Safety Act of 2002 requiring internal trigger locks beginning January 2003, the State Police expect further decreases in the number of guns sold in the State.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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