

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

House Bill 410
 Judiciary

(Delegate Smigiel, *et al.*)

Handguns - Identification Requirements - Repeal

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

Fiscal Summary

State Effect: General fund savings of \$140,000 annually for DSP due to elimination of computer servicing contract.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	(140,000)	(140,000)	(140,000)	(140,000)	(140,000)
Net Effect	\$140,000	\$140,000	\$140,000	\$140,000	\$140,000

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

Local Effect: None.

Small Business Effect: Potential meaningful. The provisions of this bill would likely spur additional handgun sales in the State. The actual magnitude of such a retail impact on handgun dealers is unknown, but is assumed to be potentially significant to the State's 269 licensed gun dealers, who are generally believed to be small businesses.

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 DSP 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, DSP 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. It is believed that more than 36 states and territories (including Maryland) have installed federal IBIS-NIBIN.

Initially, DSP anticipated that 30,000 cartridge casings would be received annually for input into the IBIS system. As such, the system was designed to hold around 300,000 casings over a 10-year period. The system has thus far received around 35,000 cartridge casings for input, including around 2,000 from trooper-issued semi-automatic 40-caliber Beretta firearms. There have been 160 requests to match crime-scene casings with the IBIS system, resulting in four "hits" or matches.

A recent report on MD-IBIS by DSP's Forensic Sciences Division (September 2003) acknowledged several "major problems" with the system: (1) some cartridge casings submitted by Glock Company may have been unreliable; (2) the remote station did not work properly thus preventing connection with outside agencies; (3) a memorandum of understanding between the ATF and State and local law enforcement agencies prohibits the linking of NIBIN to any State or local system, such as IBIS; and (4) guns being submitted by manufacturers are not generally the types of guns usually linked to crime scenes. In addition, a California study of ballistic fingerprinting operations in both New York and Maryland was critical of such state operations for several technical and operational reasons, including a concern that markings on cartridge casings may be changed or altered by a gun user.

However, DSP has recommended that MD-IBIS continue in operation, despite these concerns. The Forensic Sciences Division believes that improving technology will enhance MD-IBIS' ability to achieve hits and that this database, similar to the State's DNA database needs time to develop to "bear fruit." DSP notes that the DNA database was initiated in 1994 and did not obtain its first hit until 1998.

DSP anticipates continued maintenance supplies and personnel costs of \$435,269 for fiscal 2005 to continue to operate the IBIS system. Initial start-up costs of \$1.4 million were absorbed in fiscal 2001.

State Expenditures: Currently two laboratory technicians are assigned to enter the "fingerprint" of each shell casing into the computer database and make comparisons from the database against any shell casing recovered as evidence from a crime scene. The

computer equipment is serviced under a five-year maintenance contract costing about \$140,000 per year. The contract is currently in its third year. Accordingly, this bill would result in a general fund savings for DSP of about \$140,000 annually, beginning in fiscal 2005. The two laboratory technicians would be reassigned.

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 the computer equipment used for other MD-IBIS database entries, would continue to be used by the department and would not be sold. The computer equipment would continue to be serviced or maintained internally.

Additional Information

Prior Introductions: In 2003, a similar bill, HB 579, had a hearing before the House Judiciary Committee and had no further action taken on it.

Cross File: Although not identified as a cross file, SB 662 is identical.

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

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