

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 544

(Senator Frosh, *et al.*)

Judicial Proceedings

Public Safety - Ammunition - Sales Records

This bill requires businesses that sell ammunition for firearms to keep detailed records of all ammunition sales. The sales record must include (1) the date of the sale; (2) the full name, address, and date of birth of the purchaser; (3) the form of identification used by the purchaser; and (4) the type and quantity of ammunition purchased. Businesses must also verify the identity of an ammunition purchaser by a driver's license or other government-issued identification.

An ammunition seller who violates the bill's provisions is subject to a maximum civil penalty of \$500 for each violation. The civil penalty must be assessed with consideration given to the seriousness and willfulness of the violation, the extent to which the violation is part of a recurrent pattern, and any other relevant factors.

Fiscal Summary

State Effect: The civil penalty provisions of this bill do not have a material impact on State finances or operations. Enforcement can be handled with the existing budgeted resources of the Department of State Police (DSP).

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Bill Summary: The Secretary of State Police must adopt regulations prescribing the required form and content of sales records and the time period for which the records must

be kept. The Secretary is authorized to inspect a business's records at any time during normal business hours, although the business owner may request to be present during the inspection.

Current Law: A dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000. Each violation is a separate offense.

A person may not sell, rent, or transfer ammunition solely designed for a regulated firearm to a person younger than age 21. A person may not sell, rent, or transfer to a minor a firearm other than a regulated firearm, ammunition for a firearm, pepper mace, or another deadly weapon. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000.

Before a person purchases, rents, or transfers a regulated firearm in the State, the person must submit to DSP or other designated law enforcement agency a firearm application that identifies the applicant and the firearm that is the subject of the transaction. Applications are investigated by DSP and are subject to a seven-day waiting period before the transaction may take place.

An applicant must be at least age 21; have never been convicted of a felony, crime of violence, or misdemeanor that carries a penalty of more than two years imprisonment; and must not be addicted to drugs or alcohol or have a history of mental disorder. An applicant is required to complete a certified firearms safety course through the Police Training Commission.

Background: Any retail business may sell ammunition in the State. Historically, sales have totaled more than \$9 million for all types of ammunition sold in the State annually. However, sales of firearms and ammunition have spiked sharply since 2012.

Federal law prohibits a convicted felon from possessing ammunition of any type. Since 2007, DSP has supported two firearm task forces: one in Baltimore, the Gun Tracing Task Force, and the other in the National Capital Region, the Firearms Interdiction Task Force. These task forces work with gun shops to identify individuals who may have illegally purchased firearms or firearms ammunition. Based on information from voluntarily maintained logs, DSP has successfully investigated buyers and made some arrests for illegal possession of firearms and ammunition.

On January 1, 2013, DSP opened a Maryland Gun Center as a component of the department's firearms enforcement program. The center operates around the clock,

seven days per week. It is designed to provide immediate substantive assistance and guidance to local law enforcement agencies on a variety of cases where firearms may be an issue. The center's responsibilities include real-time background checks, tracking and coordinating cross-jurisdictional cases, evidence coordination, guidance on the removal of firearms from a crime scene, forensic recommendations, and case tracking, among other activities.

In addition, the Office of the Attorney General's (OAG) Firearms Trafficking Unit has initiated a program that, in cooperation with several gun dealers across the State, maintains ammunition logs that include identification information of purchasers of ammunition. According to OAG, review of these logs results in the investigation of individuals who are prohibited from possessing regulated firearms and who are believed to have purchased ammunition which could be used in such firearms.

Small Business Effect: While the bill's requirements are not expected to have a significant economic impact on small businesses engaged in the sale of ammunition, the detail of recordkeeping specified in the bill and any additional detail required under regulations developed as a result of the bill may create operational difficulties for some small businesses. Quantifying such an effect cannot be reliably made without some direct experience under the bill.

Additional Information

Prior Introductions: HB 1446 of 2009, a similar bill, was withdrawn.

Cross File: HB 776 (Delegate Anderson) - Judiciary.

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