

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 426
Judiciary

(Delegate Dwyer, *et al.*)

Public Safety - Firearm Ammunition - Purchaser Information

The bill makes it a misdemeanor, with specified exceptions, for a person who sells ammunition to (1) require a purchaser of ammunition to provide personal identification information as a condition of purchase; (2) collect personal identification information of the purchaser on behalf of a law enforcement agency; or (3) provide others the personal identification information of the purchaser. A violator is subject to maximum penalties of imprisonment for one year and/or a fine of \$5,000. Each violation is a separate offense.

A person who sells ammunition is permitted, however, to require proof of age from a purchaser and to collect credit information regarding the purchaser necessary to allow the sale.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Minimal.

Analysis

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 the Department of State Police (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.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

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