

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

House Bill 623 (Delegates Simmons and Kramer)
 Judiciary

Public Safety - Criminal Justice Information System - Integration With Maryland Automated Firearms System

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to integrate the Criminal Justice Information System (CJIS) with the Maryland Automated Firearms System (MAFS) to enable the Department of State Police (DSP) to identify individuals who purchased a firearm before October 1, 2013, and were subsequently convicted of a disqualifying crime requiring the surrender of the firearm. DSP must perform a check for such individuals at least two times each year.

Fiscal Summary

State Effect: General fund expenditures increase by a total of approximately \$1.4 million in FY 2015 (\$341,700 for DPSCS and \$1.0 million for DSP) to create and operate a new database within DPSCS and for DSP to investigate “hits” from the new database. This estimate includes a one-time design and programming cost of \$300,000 for DPSCS. Future years reflect annualization, inflation, and automobile replacements in FY 2018. Revenues are not affected.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,374,500	1,073,300	1,121,200	1,369,800	1,223,700
Net Effect	(\$1,374,500)	(\$1,073,300)	(\$1,121,200)	(\$1,369,800)	(\$1,223,700)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The CJIS Central Repository within DPSCS is used to collect, manage, and disseminate Maryland Criminal History Record Information for criminal justice and noncriminal justice purposes (such as employment and licensing). CJIS is a biometric fingerprint-supported system for positive identification.

MAFS is used by DSP to report regulated firearm transfer and purchase requests to law enforcement units through the Maryland CJIS Message Switch. It is a name-based database.

The fiscal 2014 budget included \$4.2 million to implement Chapter 427 of 2013 (the Firearm Safety Act of 2013) and cover related costs, which included 35 new positions, contractual services, and supplies and materials. The Governor's proposed fiscal 2015 budget carries over costs for the 35 new positions and 31 contractual employees, but one-time start-up funding for technology and equipment is eliminated. DSP also received a \$400,000 general fund deficiency appropriation in fiscal 2013 and \$450,000 in general funds in the fiscal 2014 budget to automate and streamline the current and new firearm application processes.

State Expenditures: DPSCS advises that it is not possible to immediately integrate or directly link MAFS with CJIS because MAFS is a name-based system and CJIS is a fingerprint-based system. Thus, in order to meet the bill's requirements, DPSCS needs to create a new separate and unique database that uses a unique identifier and that pulls information from both of the existing databases. Since the new database would be a name-based system, programming is needed to attempt to find and marry the newly created unique identifier with the current State identification number used along with the associated fingerprints and criminal history record information maintained in CJIS, as well as with the information maintained within MAFS. MAFS has been operational since 1994 and has about 1.1 million records. There more than 3 million records in the CJIS database.

Department of Public Safety and Correctional Services

Although DPSCS reports that the establishment and operation of a new integrated database could not be completed until fiscal 2016, general fund expenditures increase by \$341,728 in fiscal 2015, which accounts for the bill's October 1, 2014 effective date. This estimate reflects the cost of hiring one contractual database manager to assist the set up and maintain the integrated system required by the bill. It includes a salary, fringe benefits, one-time start-up programming services and hardware, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$36,923
New Database System	300,000
Other Operating Costs	<u>4,805</u>
Total FY 2015 DPSCS Expenditures	\$341,728

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses. At some future date, the need for the contractual database manager may be eliminated as the system becomes an ongoing part of agency operations. Some reprogramming costs for current systems may arise as a result of the creation of the new database.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Department of State Police

DSP estimates that the first year’s use of the database listings could generate a “hit” rate of about 10% of the MAFS entries, or 110,000 persons with firearms who, subsequent to purchase, became disqualified for possession. Accordingly, general fund expenditures increase by \$1,032,764 in fiscal 2015, which accounts for the bill’s October 1, 2014 effective date. This estimate reflects the cost of hiring seven full-time troopers to investigate “hits” from the new database and to secure firearms that are surrendered. It includes salaries and fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	7
Salaries and Fringe Benefits	\$706,637
Motor Vehicle Purchases and Operations	248,171
Additional Equipment	74,911
Other Operating Expenses	<u>3,045</u>
Total FY 2015 DSP Expenditures	\$1,032,764

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses and automobile replacement costs in fiscal 2018. Although DSP also projects considerable trooper and civilian overtime costs in fiscal 2015 (\$53.3 million), as well as significant costs to hire more than 200 additional office clerks, the Department of Legislative Services believes that such needs are unclear going forward due to the new DSP resources, including personnel, for the Licensing Division provided in both the fiscal 2014 budget and the Governor’s proposed fiscal 2015 budget (as discussed above). Some overtime costs may emerge

during the first two years of operation, but without any direct experience under the bill, such costs cannot be reliably estimated. Should additional overtime or personnel costs emerge, it could be handled through the annual budget process.

DSP anticipates a 1% hit rate in future years.

The new database will be a name-based system only. It is also noted that it will only be capable of providing Maryland criminal history record information responses and not national criminal history records information. This is because the Federal Bureau of Investigation does not conduct name-based criminal history records checks. In addition, aliases, similar names, and incorrectly keyed names may also create some difficulties in the operation of the new database. Such difficulties are assumed to be handled in the development stages and roll out of the new database.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

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