

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1047

(Senator Beidle, *et al.*)

Judicial Proceedings

Office of the Attorney General - Firearm Crime - Study

This bill requires the Office of the Attorney General (OAG) to study information regarding firearm crimes committed in the State since August 1, 2015, as specified, and identify specified information for each 9-1-1 request for emergency assistance involving a firearm crime. All State and local law enforcement agencies and other governmental units must provide OAG with any and all information necessary to complete the study. OAG must report to the Governor and the General Assembly, by December 1, 2020, its findings and conclusions regarding firearm crimes committed from August 1, 2015, through July 31, 2019, and by December 1, 2022, the same information regarding firearm crimes committed from August 1, 2019, through July 31, 2021. **The bill takes effect June 1, 2020, and terminates December 31, 2022.**

Fiscal Summary

State Effect: Although OAG did not respond to requests for information regarding the potential fiscal effect of the bill in time for inclusion in this fiscal and policy note, it is assumed that the office can implement the bill with existing resources, as discussed below. Potential minimal increase in general fund expenditures for some State agencies to provide information to meet the bill's requirements, as discussed below. Revenues are not affected.

Local Effect: Potential minimal increase in local government expenditures for some counties to provide information to meet the bill's requirements. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Chapter 335 of 2019 requires the Governor’s Office of Crime Control and Prevention (GOCCP) to gather, study, and compile specified information regarding “crime firearms” in the State. Specifically, GOCCP must:

- study information regarding crime firearms in the State, as specified;
- report the crimes committed with crime firearms by jurisdiction, including (1) the number of charges and convictions for specified crimes and (2) the number and types of criminal charges associated with a crime firearm;
- compile all available information and data regarding the source of crime firearms, as specified;
- collect information on the length of time between the origination and recovery of a crime firearm; and
- gather information regarding whether the individuals found in possession of crime firearms were previously prohibited from possessing a firearm.

“Crime firearm” means a firearm that is (1) used in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article or (2) recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer.

The Department of State Police must provide GOCCP with any and all information necessary to complete the study. By December 1, 2020, GOCCP must report its findings to the Governor and the General Assembly.

The Attorney General acts as legal counsel to the Governor; the General Assembly; the Judiciary; and all departments, boards, and commissions (except the Maryland Commission on Civil Rights, the Public Service Commission, and the State Ethics Commission). OAG represents the State in all matters of interest to the State, including civil litigation and criminal appeals in all State and federal courts. The office also reviews legislation passed by the General Assembly prior to consideration by the Governor. The office is currently supported by 14 divisions: Legal Counsel and Advice; Securities; Consumer Protection; Antitrust; Medicaid Fraud Control; Civil Litigation; Criminal Appeals; Criminal Investigation; Educational Affairs; Correctional Litigation; Contract Litigation; People’s Insurance Counsel; the Juvenile Justice Monitoring Unit; and the newly created Baltimore City Violent Crime Prosecution Division.

State Expenditures: The Department of Legislative Services advises that, as GOCCP is working on a similar study, resources between OAG and GOCCP can likely be shared to meet the bill’s requirements without materially affecting either office. Accordingly, OAG should be able to implement the bill using existing budgeted resources.

The Judiciary advises that if its Judicial Information Systems department must provide information to OAG as a result of the bill, programming changes are needed at an estimated one-time cost of \$59,928. Accordingly, general fund expenditures may increase minimally for the Judiciary and any other State agency that must provide additional information to OAG as a result of the bill. It is assumed, however, that most State agencies can provide such information to OAG with existing resources.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1629 (Delegate Clippinger) - Judiciary.

Information Source(s): Baltimore City; Howard and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Comptroller's Office; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); University System of Maryland; Morgan State University; Department of Budget and Management; Department of General Services; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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mr/lgc

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