

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 1186
 Judiciary

(Delegate Clippinger)

Judicial Proceedings

Office of the Attorney General - Firearm Crime, Injuries, Fatalities, and Crime
 Firearms - Study Extension

This bill extends the termination date of Chapter 491 of 2020 (from December 31, 2022, to December 31, 2024) and modifies the provisions of that Act. Specifically, the bill extends, by two years, the requirement for the Office of the Attorney General (OAG) to (1) study information regarding “firearm crimes” committed in the State since August 1, 2015, as specified; (2) identify specified information for each 9-1-1 request for emergency assistance involving a firearm crime; (3) study information regarding “firearm injuries and fatalities” occurring in the State since July 1, 2020, as specified; and (4) with regard to “crime firearms,” study, report, compile, collect, and gather specified information. In addition, the bill (1) authorizes OAG to access information from the District Court, as specified; (2) authorizes OAG to delegate the review and research undertaken under provisions of the bill to a recognized research institution located in the State; (3) extends, by one year, specified dates by which OAG must report to the Governor and the General Assembly specified findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered; and (4) requires an additional report with similar specified information. **The bill takes effect June 1, 2021; the requirements of Chapter 491, as modified by the bill, terminate December 31, 2024.**

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures, 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 additional reporting requirement. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Notwithstanding provisions of law governing confidentiality of records relating to a petition for an extreme risk protective order, OAG is authorized to access information from the District Court for the purpose of providing a review of protective order petitions and related information for research purposes to determine how these orders are being used and the impact, if any, on the incidence of homicides, assaults, and suicides by firearms in the State since the enactment of specified provisions of law relating to extreme risk protective orders and the impact of that law as compared to similar enactments in other States. All individual identifying information reviewed and researched must remain confidential and any report, study, or other use of the information must maintain the strict confidentiality of any individual identifying information review under the authority of the bill's provisions.

In addition, under the bill, the requirement for OAG to report to the Governor and the General Assembly is extended:

- from December 1, 2020, to December 1, 2021, for its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2015, through July 31, 2019;
- from December 1, 2021, to December 1, 2022, for its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2019, through July 31, 2020; and
- from December 1, 2022, to December 1, 2023, for its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2020, through July 31, 2021.

OAG must report to the Governor and the General Assembly by December 1, 2024, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2021, through July 31, 2022.

Current Law:

Firearm Crimes Study

Chapter 491 requires OAG to (1) study information regarding “firearm crimes” committed in the State since August 1, 2015, as specified; (2) identify specified information for each 9-1-1 request for emergency assistance involving a firearm crime; (3) study information regarding “firearm injuries and fatalities” occurring in the State since July 1, 2020, as specified; and (4) with regard to “crime firearms,” study, report, compile, collect, and

gather specified information. 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 specified dates, specified findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered.

OAG must report to the Governor and the General Assembly:

- by December 1, 2020, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2015, through July 31, 2019;
- by December 1, 2021, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2019, through July 31, 2020; and
- by December 1, 2022, its findings and conclusions regarding firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2020, through July 31, 2021.

“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. “Firearm crime” means a crime of violence, as defined in § 5-101 of the Public Safety Article, involving the use of a firearm. “Firearm injury and fatality” means an injury or fatality caused by a firearm.

Chapter 491 is set to terminate December 31, 2022.

Extreme Risk Protective Orders

Statutory provisions set forth a process by which a judge may issue a final extreme risk protective order. A judge may enter a final extreme risk protective order to prohibit the respondent from possessing a firearm if the judge finds by clear and convincing evidence that the respondent poses a danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm. The final extreme risk protective order must order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent’s possession and prohibit the respondent from purchasing or possessing any firearm for the duration of the order, as specified.

State Expenditures: The fiscal 2021 budget included \$200,000 in general funds for contractual services for OAG to conduct the study required by Chapter 491, contingent on the passage of that Act. The Department of Legislative Services advises that OAG can likely complete the study required by Chapter 491, as extended by the bill, with those

budgeted funds; however, to the extent that additional contractual services are necessary to complete the bill's additional reporting requirement or any review and research undertaken pursuant to the bill, general fund expenditures may increase minimally.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Kent, Montgomery, and Worcester counties; City of Salisbury; towns of Bel Air and Leonardtown; Office of the Attorney General; Comptroller's Office; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2021
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