SENATE BILL 861

By: Senator Beidle
Introduced and read first time: February 7, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Maryland State Police Gun Center – Establishment

FOR the purpose of establishing the Maryland State Police Gun Center as a statewide firearms enforcement center for the tracking, screening, and vetting of all firearm crimes committed in the State; requiring the Center to create and maintain a statewide database to track certain information related to crimes committed with crime firearms; and generally relating to the Maryland State Police Gun Center.

BY adding to
Article – Public Safety
Section 5–701 through 5–704 to be under the new subtitle “Subtitle 7. The Maryland State Police Gun Center”
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, The Governor’s Office of Crime Prevention, Youth, and Victim Services, in accordance with Chapter 335 of the Acts of the General Assembly of 2019, studied and compiled information for a Report on Crime Firearms Study, including, among other things, the number and type of crimes committed with crime firearms in the State, the sources of crime firearms in the State, and the jurisdictions where crime firearms were recovered in the State; and

WHEREAS, Between October 1, 2019, and September 30, 2020, there were a total of 2,772 crime firearms cases in Maryland, of which 61.8% occurred in Baltimore City and Prince George’s County; and

WHEREAS, Between October 1, 2019, and September 30, 2020, there were a total of 1,722 criminal charges associated with crime firearms, of which approximately 87% were for an illegal possession offense, approximately 9% were for the use of a firearm in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
conjunction with a crime of violence, and approximately 4% were for a straw
purchase–related offense; and

WHEREAS, Between October 1, 2019, and September 30, 2020, 2,188 individuals
prohibited from possessing a firearm were found to be in possession of crime firearms; and

WHEREAS, On January 1, 2013, the Department of State Police opened the
Maryland State Police Gun Center as a component of the Department’s firearms
enforcement program to operate around the clock, 7 days per week to provide immediate
assistance and guidance to local law enforcement agencies on firearm crimes; and

WHEREAS, The Governor’s Office of Crime Prevention, Youth, and Victim Services
has developed recommendations based on the findings of the Report on Crime Firearms
Study that include creating a statewide database to track crime firearms and designating
the Maryland State Police Gun Center as a one–stop statewide firearms enforcement center
for the tracking, screening, and vetting of all firearm crimes committed in the State to
ensure that offenders are systematically held accountable; now therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Safety

SUBTITLE 7. THE MARYLAND STATE POLICE GUN CENTER.

5–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “CENTER” MEANS THE MARYLAND STATE POLICE GUN CENTER.

(C) “CRIME FIREARM” MEANS A FIREARM THAT IS:

(1) USED IN THE COMMISSION OF A CRIME OF VIOLENCE, AS DEFINED
IN § 5–101 OF THIS TITLE; OR

(2) RECOVERED BY A LAW ENFORCEMENT AGENCY IN CONNECTION
WITH ILLEGAL FIREARM POSSESSION, TRANSPORTATION, OR TRANSFER.

(D) “DEPARTMENT” MEANS THE DEPARTMENT OF STATE POLICE.

(E) “FEDERALLY LICENSED FIREARMS DEALER” MEANS A PERSON
LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
EXPLOSIVES TO DEAL IN FIREARMS.
(F) “FEDERALLY LICENSED FIREARMS IMPORTER” MEANS A PERSON LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES TO IMPORT FIREARMS.

(G) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201 OF THIS ARTICLE.

5–702.

(A) THE CENTER IS ESTABLISHED WITHIN THE DEPARTMENT AS A STATEWIDE FIREARMS ENFORCEMENT CENTER FOR THE TRACKING, SCREENING, AND VETTING OF ALL FIREARM CRIMES COMMITTED IN THE STATE.

(B) THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED AND APPLIED TO PROMOTE ITS UNDERLYING PURPOSES AND POLICIES.

5–703.

(A) THE CENTER SHALL CREATE AND MAINTAIN A STATEWIDE DATABASE TO TRACK INFORMATION ON CRIMES COMMITTED WITH CRIME FIREARMS.

(B) EACH LAW ENFORCEMENT AGENCY SHALL REPORT TO THE CENTER THE FOLLOWING INFORMATION ON CRIMES COMMITTED IN THE JURISDICTION OF THE LAW ENFORCEMENT AGENCY WITH CRIME FIREARMS:

(1) THE NUMBER AND TYPE OF CRIME FIREARMS;

(2) THE JURISDICTIONS WHERE CRIME FIREARMS ARE RECOVERED;

(3) THE SOURCES OF THE CRIME FIREARMS RECOVERED, IF DISCOVERABLE, INCLUDING:

(I) THE FEDERALLY LICENSED FIREARMS IMPORTER;

(II) THE FEDERALLY LICENSED FIREARMS DEALER; AND

(III) THE FIRST PURCHASER OF THE CRIME FIREARM;

(4) INFORMATION REGARDING THE INDIVIDUAL FOUND IN POSSESSION OF THE CRIME FIREARM, INCLUDING:

(I) THE INDIVIDUAL’S AGE;
(II) the individual’s jurisdiction of residence;

(III) the jurisdiction where the individual is charged; and

(IV) whether the individual was prohibited from possessing a firearm; and

(5) any other information requested by the Center.

(c) the center may require a law enforcement agency to report any other information relating to firearm crimes committed in the jurisdiction of the law enforcement agency to assist the center in the tracking of firearm crimes committed in the state.

(D) the center shall designate how often law enforcement agencies are required to report the information required under this section.

5–704.

(a) the center shall coordinate with the department and law enforcement agencies to screen and vet all firearm crimes committed in the state by:

(1) determining whether an individual charged with a firearm crime was prohibited from possessing a firearm; and

(2) recommending specific firearm charges to ensure that an individual charged with a firearm crime is appropriately charged.

(b) the center shall assist the department and law enforcement agencies with firearm enforcement and firearm violation reduction efforts.

section 2. and be it further enacted, that this act shall take effect October 1, 2022.