

Department of Legislative Services

Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 444

(Senator Smith)

Judicial Proceedings

Judiciary

Public Safety - Gun Buyback Programs - Destruction of Firearms

This bill requires a federal firearms licensee or law enforcement agency operating a “gun buyback program” to destroy each firearm, including every component and part attached to the firearm, that is surrendered to the licensee or agency at a gun buyback program, as specified; however, this requirement does not apply if a law enforcement agency determines that the firearm is stolen or is evidence of a crime. A licensee or agency that violates these provisions is subject to a maximum fine of \$10,000 per violation. If the violator is a licensed firearms dealer, in addition to that penalty, the Secretary of State Police must revoke the dealer’s license. A person may not operate a gun buyback program except in accordance with the above provisions; a person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to a maximum fine of \$10,000. A law enforcement agency that receives a firearm as part of a gun buyback program must make reasonable efforts to determine whether the firearm is a crime firearm or has been reported as lost or stolen before the firearm or its component parts may be destroyed as required. Nothing in the bill may be interpreted as an exception to any other requirement or restriction under State or federal law relating to the purchase, rental, loan, or transfer of a firearm.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State government operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: A federal firearms licensee or law enforcement agency may contract with a law enforcement agency or a business to satisfy the bill's firearm destruction requirement. The destruction must make the firearm, and every component and part attached to the firearm, permanently inoperable and unrepairable.

“Gun buyback program” means a program that is operated by a federal firearms licensee or a law enforcement agency that (1) allows firearm owners to voluntarily surrender firearms; (2) is operated, either explicitly or impliedly, for the purpose of reducing the number of firearms in a community; and (3) advertises that firearms that are surrendered to the program will be destroyed or made permanently inoperable.

Current Law: There are no statutory provisions directly applicable to gun buyback programs.

The Department of State Police regulates firearms and regulated firearms dealer licensees under provisions of the Public Safety Article. A person must lawfully possess a regulated firearms dealer's license issued by the Secretary of State Police before the person engages in the business of selling, renting, or transferring regulated firearms. One dealer's license is required for each place of business where regulated firearms are sold. Current law requires the Secretary to revoke a dealer's license under specified conditions.

State licensees must also have a federal firearms license issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 1097 of 2024.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, and Frederick counties; Maryland Association of Counties; City of Frederick; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2025
caw/lgc Third Reader - March 24, 2025
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