

Brent Amsbaugh SB0564 Testimony.pdf

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Position: FAV

Brent Amsbaugh

SB0564 Written Testimony

I urge a favorable review of this bill. It will strengthen laws in Maryland to protect firearms owners on the state. It will act as a deterrent to gun theft in Maryland. I as quite surprised that it was not already a felony.

SB0564.pdf

Uploaded by: Ella Briones

Position: FAV

89 Arbutus Street
Elkton, MD 21921

March 1, 2023

Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 0564 - Favorable Report Request

Chairman Smith and Judicial Proceedings Committee Members:

Now is the time to take the power away from the criminals. The first step in doing so, would be to hold criminals accountable for their actions as written in Senate Bill 0564. Making theft of a firearm, and more specifically a handgun, a felony, is a much needed step in the right direction. As a law abiding Maryland Wear and Carry Permit holder, I take responsibility in securing my firearms from theft. Unfortunately, criminals will find a way to illegally obtain a firearm. We must impose harsh penalties, including imprisonment, to deter firearm thefts. Therefore, I am requesting a favorable report from the Judicial Proceedings Committee on Senate Bill 0564.

Sincerely,

Ella Briones

Ella Briones
Resident of Cecil County, Maryland
(410) 920-7784
tbelmd@yahoo.com

SB0564_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: FAV



**Senate Bill 564
Criminal Law – Theft of a Handgun
FAVORABLE**

During many previous Sessions, bills have been offered to elevate the severity of firearm theft above the level of a simple misdemeanor theft of property. These efforts have so far, been unsuccessful.

Under existing law, the penalty for the theft of firearms is based on the value of the property stolen. For a first offense, a person who steals four fully functional firearms with a combined value of less than \$1,500 is guilty of only a misdemeanor and subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both. This offense does not result in prohibiting the offender from legally owning a firearm.

For a second or subsequent offense, a person who steals four fully functional firearms with a combined value of less than \$1,500, is guilty of only a misdemeanor and subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both. This offense does not result in prohibiting the offender from legally owning a firearm.

The theft of an inexpensive but fully functional firearm with a value under \$100 is a misdemeanor offense punishable by up to 90 days imprisonment or a fine not exceeding \$500 or both.

Since HB 425 became law in 2022, the transfer of a home-built unserialized firearm is a misdemeanor offense and upon conviction a person is subject to imprisonment for up to 5 years or a fine not exceeding \$10,000 or both. This penalty makes stealing a fully functioning factory-built firearm rather than building a so-called “ghost gun”, a far more attractive option.

By way of contrast, under the language of House Bill 307, if a firearm owner stores a firearm in such a way that a minor or prohibited person gains only simple access to the firearm, even with no other action or event involved, the firearm owner is subject to a more severe penalty* than a person who steals the firearm.

Elevating the severity of firearms theft from a simple misdemeanor to a felony offense with appropriate penalty provisions is not only appropriate but necessary. Far too often, firearm related crimes are never prosecuted (See attachment #1). Elevating the theft of a firearm to a felony offense will help to reverse this disturbing situation.

Senate Bill 564 treats the theft of a firearm as the serious crime it is and places the focus on the criminal and the criminal behavior involved in the theft of a firearm. Once stolen, a firearm is no longer in the stream of lawful commerce and can only be possessed, transferred, or used in violation of the law.

We strongly urge a favorable report.

Respectfully,

John H. Josselyn
2A Maryland

Attachment (1)

* HB 307 page 4 (d)

5 (2) A PERSON WHO VIOLATES SUBSECTION (C)(2) OF THIS SECTION IS
6 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
7 NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.



MARYLAND FIREARM CRIME, INJURIES, FATALITIES, AND CRIME FIREARMS STUDY

FOR THE PERIOD OF JULY 31, 2019 – AUGUST 1, 2020





Comparative Legal Analysis

Thomas Chapman, Esq. | Patrick Hughes, Esq.



Wyoming Survey & Analysis Center
UNIVERSITY OF WYOMING

Data Analysis

Laurel Wimbish, MA | Janelle Simpson, MA | Lena Dechert, BA, BS

2A Maryland Attachment #1 SB 564

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Background and Purpose

The Office of the Maryland Attorney General (OAG) contracted with the Wyoming Survey & Analysis Center (WYSAC) at the University of Wyoming to collect, analyze, and report data about firearm crimes, firearm injuries and fatalities, and crime firearms. House Bill (HB) 1186 (2021) requires OAG to submit four reports. The first report, submitted in December 2021, analyzed data provided by 91 state, local, and special jurisdiction law enforcement agencies (LEAs) about firearm crimes that occurred between August 1, 2015, and July 31, 2019. This report, the second in the four-part series, provides detailed findings from WYSAC’s analysis of firearm crimes in the State from August 1, 2019, to July 31, 2020.

Key Definitions

Compliance Inspection

Inspections conducted to ensure that Federal Firearms Licensees (FFLs) are following record-keeping requirements. Specifically, FFLs must account for all firearms that they have bought and sold and report all multiple handgun sales and firearms thefts to the United States Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF).

Crime Firearm

HB 1186 § 1(a)(2) (i-ii) defines “crime firearm” as a firearm that is used in the commission of a crime of violence; or recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer.

Crime of Violence

The Public Safety Article §5–101 defines these offenses as crimes of violence:

- 1) abduction;
- 2) arson in the first degree;
- 3) assault in the first or second degree;
- 4) burglary in the first, second, or third degree;
- 5) carjacking and armed carjacking;
- 6) escape in the first degree;
- 7) kidnapping;
- 8) voluntary manslaughter;
- 9) maiming as previously proscribed under former Article 27, § 386 of the Code;
- 10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
- 11) murder in the first or second degree;

- 12) rape in the first or second degree;
- 13) robbery;
- 14) robbery with a dangerous weapon;
- 15) sexual offense in the first, second, or third degree;
- 16) home invasion under § 6-202(b) of the Criminal Law Article;
- 17) a felony offense under Title 3, Subtitle 11 of the Criminal Law Article;

Further, Public Safety Article §5–101 classifies an attempt to commit any of the crimes listed above; or assault with intent to commit any of the crimes listed, or a crime punishable by imprisonment for more than 1 year as a crime of violence.

Firearm Crime

HB 1186 § 1(a)(3) defines “firearm crime” as a crime of violence involving the use of a firearm.

Firearm Injury and Fatality

HB 1186 § 1(a)(4) defines “firearm injury and fatality” as an injury or fatality caused by a firearm.

Jurisdiction

In this report, jurisdiction is synonymous with county, apart from Baltimore City which was analyzed as its own jurisdiction. For data provided by agencies that operate statewide (e.g., MSP), the incident’s jurisdiction is the county where the incident occurred. In this report, data are included from 24 unique jurisdictions, each of Maryland’s 23 counties and Baltimore City.

Privately Made Firearm

The OAG and WYSAC asked LEAs to indicate if a recovered firearm had a serial number. To measure the proliferation of “ghost guns” in the State, WYSAC also asked LEAs to indicate if the firearm was privately-made. Based on the ATF Frame or Receiver Rule (2021R-05F), WYSAC defined “ghost gun” as any firearm, including a frame or receiver; completed, assembled, or otherwise produced by a person other than a licensed manufacturer; and without a serial number placed by a licensed manufacturer at the time of production.ⁱ

Straw Purchase

Section 5–101 of the Public Safety Article defines “straw purchase” as the sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:

- 1) complete the application to purchase a regulated firearm;
- 2) take initial possession of the regulated firearm; and
- 3) subsequently transfer the regulated firearm to the person.

Targeted Inspection

Audits initiated as a result of specific data on sales practices (e.g., sales volume, multiple handgun sales, time-to-crime for guns traced to an FFL) indicative of firearm trafficking.

Time-to-Crime

The ATF defines “time-to-crime” as the amount of time between the retail sale of a firearm by an FFL and its recovery by law enforcement.ⁱⁱ

Type of Firearm

WYSAC limited LEA responses to eight firearm types based on the Federal Bureau of Investigation’s (FBI) National Incident Based Reporting System (NIBRS) definitions: handgun, automatic handgun, rifle, automatic rifle, shotgun, automatic shotgun, other firearm, and other automatic firearm. NIBRS defines an automatic firearm as any firearm that shoots, or is designed to shoot, more than one shot at a time by a single pull of the trigger without manual reloading.ⁱⁱⁱ WYSAC provided the NIBRS definition to LEAs in the data collection template.

Methodology

WYSAC used data from four sources to provide a robust analysis. The OAG and WYSAC solicited data from Maryland LEAs about firearm crimes including the responding agency; incident date; if the LEA response resulted from a 9-1-1 call; firearms recovered and information about each firearm; associated arrests, charges and dispositions; and related injuries and fatalities. To supplement LEA charging and disposition data, the OAG and WYSAC requested data from the Maryland Administrative Office of the Court (AOC) about firearm crimes and crimes of violence. WYSAC also received the results of dealer audits conducted by the Maryland Department of State Police (MSP). Finally, WYSAC collected data from the ATF about firearms recovered in Maryland, including *time-to-crime* and state-of-origin.

Data Collection

LAW ENFORCEMENT AGENCIES

Identifying Law Enforcement Agencies

WYSAC reviewed a list of Maryland LEAs published by the Maryland Department of Public Safety, Maryland Police and Correctional Training Commissions (PCTC) and identified 182 public safety and correctional agencies.^{iv} WYSAC compared the PCTC list of agencies to a list of 152 agencies provided by the OAG and identified 190 unique LEAs. WYSAC excluded LEAs that never respond to firearm crimes and LEAs that are no longer in operation (Appendix A). In total, WYSAC requested data from 131 LEAs.

Collecting Data from Law Enforcement Agencies

On July 5, 2022, OAG emailed each LEA introducing the research team and explaining the requirements of HB 1186 (2021). The next day, WYSAC emailed an Excel data collection template to each LEA and reiterated the requirements of HB 1186 (2021). The OAG and WYSAC asked LEAs to return completed data templates no later than September 1, 2021. To maximize response rates, WYSAC and OAG sent regular reminder emails and on August 18, 2022, WYSAC contacted nonresponsive LEAs by telephone.

In all, 109 (83%) LEAs provided data on or before the deadline and 13 (15%) LEAs submitted data after the deadline. Nine LEAs (7%) declined to provide data or did not respond (Appendix A). WYSAC closed data collection on October 13, 2021.

Quality Control

Technical Assistance

Some LEAs were inexperienced with using Microsoft Excel and had difficulties entering data properly. WYSAC provided technical assistance to these LEAs via phone, email, and Zoom video conferencing. WYSAC adjusted the template for some agencies, upon request, to make the template compatible with their record management system(s). Every email correspondence between WYSAC, OAG, and the LEAs included the study team’s contact information and instructions on how to request technical assistance.

Data Collection Template

The OAG and WYSAC used an Excel data collection template to collect data from LEAs. The template used several data validation features to make the template easy to use and minimize human error. Data validation features included drop-down lists to restrict and standardize users’ entries (e.g., limiting selections to one of eight firearm types) and restricted date fields (e.g., only accepting incident dates within the reporting period). The template included a “quick start guide” with instructions and hyperlinks to important definitions.

WYSAC made three substantive updates to the template. The first version of the template restricted the choice of charge at arrest to the crimes of violence referenced in HB 1186 (2021).¹ WYSAC updated the template to include a free-text field to allow LEAs to type in alternative charges. WYSAC modified the template a second time to gather specific information about firearm crime victims. Version-one of the template asked only for the total number of firearm injuries and firearm deaths. The second update required LEAs to specify the type of harm caused (injury, homicide, or suicide), whether the harm was intentional or accidental, and if the victim was an adult or a juvenile. The third version of the template allowed LEAs to provide

¹ § 5-101 of the Public Safety Article

information about multiple firearms. WYSAC made the third and final major update to the template on July 27, 2022. WYSAC made additional modifications to correct minor errors, add missing jurisdictions, and generate incident numbers.

Requests for Information and Clarification

WYSAC reviewed data templates for completeness and consistency and contacted LEAs when the data provided appeared incomplete or were unclear.

MARYLAND ADMINISTRATIVE OFFICE OF THE COURTS

The OAG and WYSAC requested firearm crime data from AOC to supplement charging and disposition data provided by LEAs. Specifically, WYSAC requested data for all filings within the reporting period that included at least one firearm-related charge. WYSAC also requested data about any additional charges associated with each firearm-related charge.

MARYLAND DEPARTMENT OF STATE POLICE – FIREARMS REGISTRATION SECTION

The OAG and WYSAC requested the dates and outcomes of audits conducted by the MSP Dealer Audit Unit of the top-10 dealers of crime firearms in the State. MSP provided the results of ten audits, each including a compliance inspection report and a supplemental page of a narrative description of the audit.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

The ATF's National Tracing Center (NTC) is authorized by the Gun Control Act of 1968 to trace crime firearms and is the only crime gun tracing facility in the United States.^v The NTC traces crime firearms by tracking each firearm's movement through the supply chain from manufacture through distribution, via wholesalers or retailers, using the gun's serial number. Tracing allows the ATF and LEAs to identify unlicensed purchasers and patterns in the sources and types of crime firearms.^{vi} The ATF provides free *eTrace* software that allows LEAs to request firearm trace data, monitor the progress of requests, retrieve results, and query data. The ATF's *eTrace* software also allows LEAs to download and analyze trace data.^{vii} The ATF publishes aggregate data annually on a calendar year basis.

WYSAC filed a Freedom of Information Act (FOIA) request with the ATF to request disaggregated data about firearms recovered and traced within the State during the reporting period or aggregate data about the same. The ATF determined the data are exempt from disclosure and denied the request.²

² Firearm trace data are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.

Analysis

Law Enforcement Data

Of the 122 LEAs that responded to the OAG and WYSAC’s data request, 80 (66%) provided data about one or more firearm crimes, 35 (29%) reported that the agency did not respond to any firearm crimes during the reporting period, and seven (5%) reported that a separate agency is responsible for reporting the agency’s data.

LIMITATIONS

Differences in Data Reporting

Each LEA has a unique process and system for tracking and managing records. As a result, there are differences in the data LEAs reported. Additionally, LEAs had considerable variations in how they defined data elements such as “illegal possession” or “illegal transfer.” In an attempt to address these differences, WYSAC provided every LEA with a data collection template to limit the range of possible entries and provide clear definitions for key terms. WYSAC consulted with agencies on a case-by-case basis to ensure they understood all definitions and data elements and provided technical assistance filling out the templates when needed.

Missing Disposition Data

Only 49 (40%) of LEAs that submitted data provided disposition information. Most LEAs reported that they do not record disposition data. As a result, fewer than 10% (n=767) of incidents included information about dispositions. WYSAC used disposition data provided by the AOC to supplement missing LEA data.

Missing Crime Firearm Origin Data

Only 34 (28%) LEAs provided information about place of purchase and purchase date for recovered firearms. The remaining LEAs reported that they either 1) do not keep origin data, or 2) do not trace crime firearms. Fewer than 19% (n=572) of recovered firearms included origin data. WYSAC used ATF gun-trace data to supplement missing crime firearm origin data.

Missing or Incomplete Injury and Fatality Data

Most LEAs (n=120, 98%) reported data about firearm-related injuries and fatalities. Neither the MSP nor the Baltimore City Police Department (BPD) could specify if an incident included more than one injury or fatality, only that an injury or fatality occurred. In addition, BPD was unable to disaggregate injury and fatality data by age or classify injuries and fatalities as accidental or

intentional. WYSAC included injuries and fatalities reported by both agencies (MSP and BPD) as a single event. As a result, the total number of injuries and fatalities is likely much higher.

Maryland Department of State Police, Dealer Audit Unit

The OAG and WYSAC requested the dates and outcomes of audits conducted by the MSP's Dealer Audit Unit of the top-ten dealers of crime firearms identified in WYSAC's analysis. The Dealer Audit Unit audited each dealer one time, except for *Bass Pro Shops Outdoor World* which was audited twice. WYSAC summarized the results of the audits of the top-ten dealers of crime firearms.

MSP's audit forms are organized into five sections: 1) Regulated Firearms Dealer Information; 2) Licenses; 3) Inventory of Regulated Firearms; 4) Applications to Purchase a Regulated Firearm; and 5) Conclusion. Each form included an attachment with additional notes.

Maryland Administrative Office of the Courts

AOC provided data about 12,791 unique filings that included at least one firearm-related charge. AOC extracted filings from four records management systems (CCDC_MDEC, 8th Circuit [Baltimore City], CC Prince George's County, and DC_NonMDEC). AOC did not provide records with the following dispositions; remanded to - Juvenile Court; waived from Criminal to Juvenile Court; forwarded - Juvenile Authorities; transferred for Juvenile Sentencing; or forwarded - Circuit Court if the defendant was under 18 pursuant to CP § 4-202(i) and CJ § 3-8A-27.

WYSAC categorized charges into eight categories (altering or possessing an altered firearm, discharging a firearm, illegal possession, illegal sale, illegal transfer, illegal transportation, and straw purchase). WYSAC categorized crimes of violence into 37 categories (Table 1).

Researchers relied on § 5-101 of the Public Safety Article for definitions and included charges for an attempt, conspiracy, accessory, and soliciting a crime of violence.

Table 1: Crimes of Violence Categories

Arson in the first degree	Kidnapping	Attempted robbery
Assault in the first or second degree	Attempted kidnapping	Conspiracy robbery
Attempted assault in the first or second degree	Conspiracy kidnapping	Robbery with a dangerous weapon
Conspiracy assault in the first or second degree	Voluntary manslaughter	Attempted robbery with a dangerous weapon
Burglary in the first, second, or third degree	Murder in the first or second degree	Conspiracy robbery with a dangerous weapon
Attempted burglary in the first, second, or third degree	Attempted murder in the first or second degree	Sexual offense in the first, second, or third degree
Conspiracy burglary in the first, second, or third degree	Conspiracy murder in the first or second degree	Attempted sexual offense in the first, second, or third degree
Solicitation burglary in the first, second, or third degree	Accessory murder in the first or second degree	Conspiracy sexual offense in the first, second, or third degree
Carjacking and armed carjacking	Rape in the first or second degree	Home invasion
Attempted carjacking and armed carjacking	Attempted rape in the first or second degree	Attempted home invasion
Conspiracy carjacking and armed carjacking	Conspiracy rape in the first or second degree	Conspiracy home invasion
Escape in the first degree	Robbery	Human trafficking
Attempted escape in the first degree		

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Equipment used to complete the project

WYSAC used Microsoft Excel to collect, clean, and summarize firearm crime data provided by LEAs; Microsoft Access to track contacts, submissions, and communications; and *Statistical Package for the Social Sciences 27* (SPSS) to analyze court data.

Findings

Firearm Crimes Committed in the State of Maryland

LEAs in all 24 jurisdictions provided information about 8,096 firearm crimes (Table 2). Baltimore City provided data on about 3,564 firearm crimes, 44% of the total. Kent County reported the fewest number of firearm crimes (n=13, 0.1%).

9-1-1 Requests for Emergency Assistance

Sixty-two percent (n=5,038) of LEA responses were initiated by a 9-1-1 call (Figure 1). 9-1-1 origination data were missing for 17% (n=1,384) of incidents.

Figure 1: Firearm Crimes, by 9-1-1 Origination

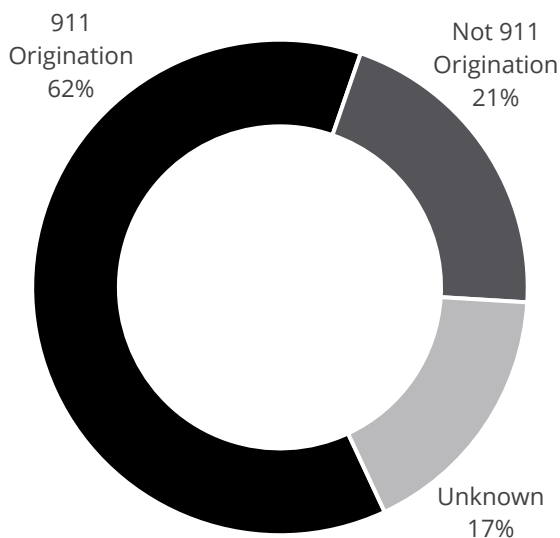


Table 2: Number of Firearm Crimes, by Jurisdiction

Jurisdiction	Number of Crimes
Allegany	57
Anne Arundel	497
Baltimore City	3,564
Baltimore County	680
Calvert	37
Caroline	38
Carroll	70
Cecil	106
Charles	195
Dorchester	38
Frederick	73
Garrett	26
Harford	80
Howard	193
Kent	13
Montgomery	228
Prince George's	1,624
Queen Anne's	23
Somerset	25
St. Mary	100
Talbot	19
Washington	192
Wicomico	143
Worcester	75
Total	8,096

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Table 3: Firearm Crimes with 9-1-1 Requests for Service, by Jurisdiction

Jurisdiction	9-1-1 Origination	Not a 9-1-1 Origination	Unknown or Missing Origination	Arrests from 9-1-1 Originations
Allegany	14	17	26	9
Anne Arundel	308	74	115	143
Baltimore City	2,979	541	44	440
Baltimore County	1	4	675	1
Calvert	7	1	29	5
Caroline	7	9	22	5
Carroll	22	13	35	11
Cecil	48	14	44	25
Charles	140	31	24	78
Dorchester	14	6	18	9
Frederick	35	6	32	19
Garrett	3	6	17	3
Harford	33	22	25	17
Howard	149	26	18	66
Kent	4	0	9	4
Montgomery	111	56	61	75
Prince George's	885	692	61	285
Queen Anne's	3	4	16	0
Somerset	2	3	20	0
St. Mary	47	30	23	16
Talbot	3	6	10	3
Washington	135	33	24	60
Wicomico	64	40	39	26
Worcester	24	36	15	23

Note: Incidents where 9-1-1 origination status or arrest information is missing or unknown are not included in the number of arrests. The actual number of arrests is likely higher.

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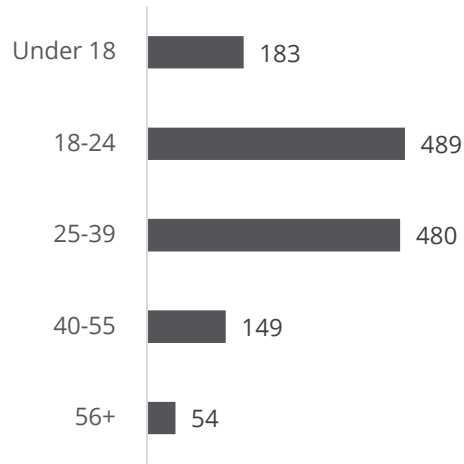
Of the 5,058 LEA incidents initiated by a 9-1-1 call, 1,323 resulted in arrest (26%). WYSAC asked LEAs to provide the age at arrest for each arrestee. LEAs provided ages for 80% (n=1,067) of the 9-1-1 calls that resulted in arrest, a total of 1,355 arrestees. The youngest person arrested was 11 years old and the oldest was 84 years old. The median age of arrestees was 28 years old.

Injuries and Fatalities

The OAG and WYSAC asked LEAs to report the number of accidental and intentional injuries, fatalities, and suicides for adults and juveniles (Table 4). LEAs reported a total of 2,739 injuries and fatalities. LEAs did not report victim age or intent for 1,200 (44%) injuries and fatalities.³ Most victims with reported ages were adults (94%, n=1,439), only 100 (6%) were juveniles. Intentional injury was the most common outcome reported by LEAs for both adults and juveniles. Eighty-six percent (n=1,237) of adult victims and 91% (n=91) of juvenile victims suffered an intentional injury.

WYSAC used the Centers for Disease Control and Prevention’s (CDC) National Violent Death Reporting System (NVDRS) to supplement LEA-reported death data. Researchers included estimates for all firearm-related deaths including unintentional, homicide, and undetermined intent. NVDRS reported 239 firearm-related suicides and 450 other firearm-related deaths in Maryland during the calendar year 2019 (the most recent data available).^{viii}

Figure 2: Age of Arrestees in 9-1-1 Originated Firearm Crime



Note: Only includes arrestees in cases that indicated “yes” to arrest and “yes” to 911 call. Does not include cases with missing information.

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³ MSP and BPD did not provide or provided limited information about victim age, number of victims, and type of injury. WYSAC included injuries and fatalities reported by both agencies as a single event.

Table 4: Firearm Crimes Injuries and Deaths

	Accidental Injury		Intentional Injury		Accidental Homicide		Intentional Homicide		Suicide		Unclassified Injury	Unclassified Death
	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile		
Allegany	0	0	3	0	0	0	1	0	0	0	0	0
Anne Arundel	2	0	46	6	1	0	14	1	26	0	1	0
Baltimore City	0	0	0	0	0	0	1	0	0	0	702	307
Baltimore County	0	0	0	0	0	0	0	0	0	0	138	30
Calvert	0	0	1	0	0	0	0	0	0	0	3	0
Caroline	1	0	1	0	0	0	1	0	0	0	2	0
Carroll	0	0	0	0	0	0	0	0	6	0	1	0
Cecil	1	0	10	2	0	0	0	0	1	0	1	0
Charles	3	0	21	0	0	2	7	0	9	0	2	0
Dorchester	0	0	12	0	0	0	1	0	0	0	1	0
Frederick	5	0	6	0	0	0	3	0	3	0	2	0
Garrett	0	0	0	0	0	0	0	0	0	0	0	0
Harford	0	0	6	0	0	0	3	0	0	0	0	0
Howard	0	1	5	1	2	0	2	0	4	1	1	0
Kent	0	0	0	0	0	0	0	0	0	0	0	0
Montgomery	0	0	23	1	0	0	15	0	0	0	1	0
Prince George's	0	1	1,055	80	2	0	52	1	2	0	0	0
Queen Anne's	0	0	0	0	0	0	1	0	1	1	2	0
Somerset	0	0	1	0	0	0	0	0	0	0	0	0
St. Mary	4	0	0	0	0	0	2	0	5	0	0	0
Talbot	0	0	0	0	0	0	0	0	0	0	1	0
Washington	3	0	41	1	0	0	7	1	1	0	0	0
Wicomico	1	0	5	0	0	0	1	0	6	0	5	0
Worchester	0	0	1	0	0	0	0	0	2	0	0	0
Total	20	2	1,237	91	5	2	111	3	66	2	863	337

Note: MSP and BPD did not provide or provided limited information about victim age, number of victims, and type of injury. WYSAC included injuries and fatalities reported by both agencies as a single event.

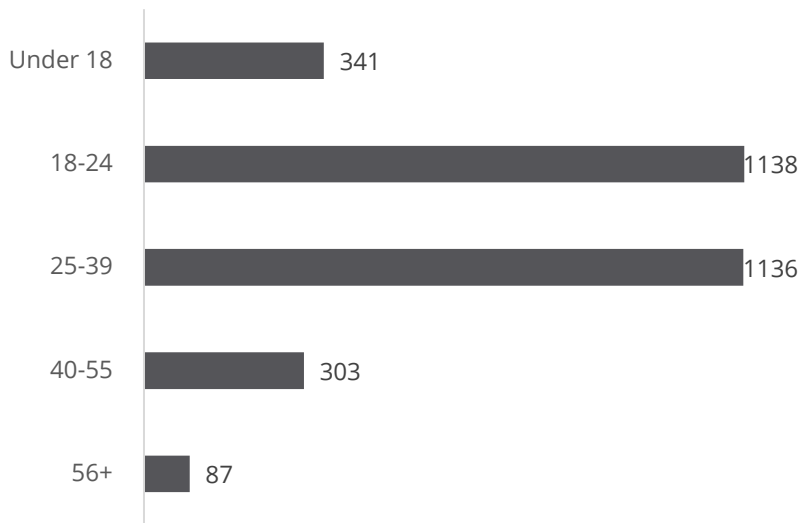
Arrests

Of the 8,096 reported incidents, 32% (n=2,640) indicated an arrest was made and 60% (n=4,837) reported no arrest. Arrest status was missing for 8% (n=619) of arrests.

To analyze age of arrestees, WYSAC included incidents that were missing arrest status but included arrest age. In total, 2,367 (29%) incidents included arrest-age information. Agencies could report more than one arrest for each incident. The 2,367 incidents that included one or more arrests and provided

the age(s) of arrestees resulted in 3,005 total arrests. When the LEA indicated an arrest was made but did not specify age of arrestee, WYSAC used age reported at disposition when this information was available. The youngest person arrested was 10 years old, and the oldest was 86 years old. The average age was 28 years old (Figure 3).

Figure 3: Age of Arrestees in Firearm Crime Incidents (9-1-1 and Not 9-1-1 Originated)



Note: If arrest age was provided but arrest (y/n) was missing, the ages were still included as an arrest. If an arrest was indicated and an age was not provided but a disposition age was provided, we reported the disposition age.

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Dispositions

In total, Maryland prosecuted 8,114 unique cases with a total of 34,455 firearm related charges in district courts. Among adults and those tried as adults in district courts, most (46%, n=2,653) were between the ages of 25 and 39 (Figure 4). The youngest person tried as an adult in district court was 15 years old, and the oldest was 86 years old. The median age was 27.

Maryland prosecuted 4,677 unique cases with a total of 28,839 firearm related charges in circuit courts. Some circuit court cases started in district court and then transferred to circuit court. Because of this, we analyzed district and circuit court data separately.

Among adults and those tried as adults, most (44%, n=2,075) circuit court defendants were between the ages of 25 and 39 (Figure 4). The youngest person tried as an adult in district court

was 14 years old, and the oldest was 86 years old. The median age of circuit court defendants was 27.

CHARGE AT DISPOSITION

Table 5 lists the types of firearm crimes by district and circuit court. The 3rd District Court (which serves Caroline, Cecil, Kent, Queen Anne’s, and Talbot Counties) had the most (n=7,650) firearm related charges among district courts. The 12th District Court (serving Allegany and Garrett Counties) had the fewest firearm related charges (n=417) among district courts.

The 8th Circuit Court (serving Baltimore City) had the most firearm related charges (n=12,827) among circuit courts. The 2nd Circuit Court had the fewest firearm related charges among circuit courts with 625 charges (Table 5).

In both district and the circuit courts, illegal possession was the most commonly charged firearm-related crime (n=17,091 and n=13,190, respectively) followed by crimes of violence (n=14,199 and n=12,709).

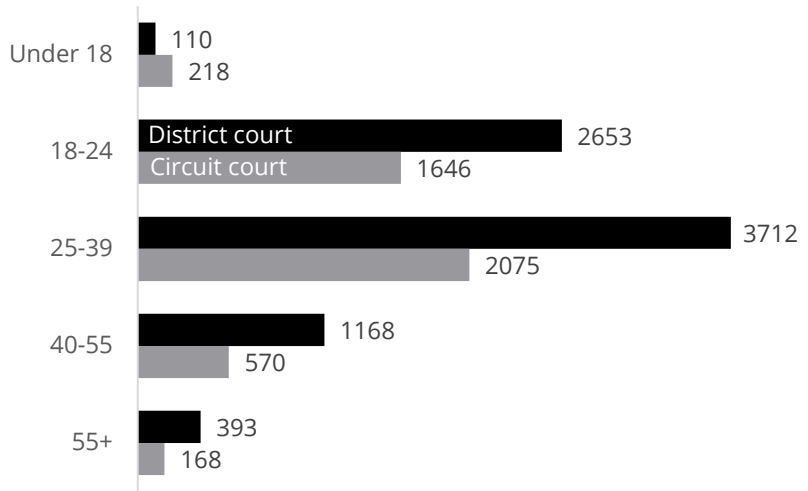
Table 6 shows disposition by firearm-crime category for district courts, the majority (66%, n= 19,625) were a forward to circuit court.

Table 7 shows disposition by firearm-crime for circuit courts. In circuit court, the majority (57%, n=13,433) of cases ended with a Nolle Prosequi.

Violent Crimes

Table 8 lists charges at disposition for firearm-related crimes of violence in district and circuit courts. Assault and robbery were the most commonly charged crimes of violence in both district and circuit courts.

Figure 4: Age of Defendant in Firearm Crime Disposition Charges, by Court



Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Table 5: Charge at Disposition, by Court

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transfer	Illegal Transport	Straw Purchase	Total
1 st District	1,410	37	290	33	2,536	5	80	8	0	4,399
2 nd District	2,484	49	396	52	3,216	6	101	8	1	6,313
3 rd District	3,879	38	372	67	3,188	15	78	13	0	7,650
4 th District	570	4	88	0	580	5	14	0	1	1,262
5 th District	2,902	63	398	0	3,699	16	121	0	0	7,199
6 th District	244	2	23	1	193	0	3	0	0	466
7 th District	676	30	111	6	1,000	10	29	0	0	1,862
8 th District	1,161	28	226	11	1,537	8	66	0	0	3,037
9 th District	128	6	74	0	320	6	9	0	0	543
10 th District	317	3	47	0	432	3	7	0	1	810
11 th District	643	9	84	10	702	5	26	0	0	1,479
12 th District	159	1	32	0	218	1	6	0	0	417
Total	14,199	261	2,094	180	17,091	76	522	29	3	34,455

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transfer	Illegal Transport	Straw Purchase	Total
1 st Circuit	749	6	71	2	589	24	25	0	0	1,466
2 nd Circuit	291	2	48	0	275	1	8	0	0	625
3 rd Circuit	1,894	23	248	18	2,200	6	90	0	0	4,479
4 th Circuit	385	2	53	1	496	0	13	0	0	950
5 th Circuit	3,006	29	286	5	2,061	0	20	651	0	6,058
6 th Circuit	483	6	30	2	419	9	10	32	0	991
7 th Circuit	688	5	55	0	655	6	19	15	0	1,443
8 th Circuit	5,213	43	787	155	6,495	92	2	40	0	12,827
Total	12,709	116	1,578	183	13,190	138	187	738	0	28,839

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Table 6: District Court - Charge at Disposition, by Disposition

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transfer	Illegal Transport	Straw Purchase	Total
Abate by death	36	0	4	0	31	0	2	0	0	73
Acquittal	24	0	1	0	6	0	0	0	0	31
Dismissed	154	0	7	0	88	0	3	0	0	252
Forwarded - Circuit Court	7,602	147	1,291	137	10,101	36	293	17	1	19,625
Guilty	47	0	10	0	64	1	1	0	0	123
Incompetent to stand trial	11	0	0	0	0	0	0	0	0	11
Jury trial prayed	464	27	115	8	1,130	3	48	3	0	1,798
Nolle Prosequi	434	10	90	4	580	8	14	0	1	1,141
Not criminally responsible	2	0	1	0	0	0	0	0	0	3
Not guilty	20	0	2	0	7	0	0	0	0	29
Probation before judgment	15	0	0	2	39	0	0	0	0	56
Stet	75	1	28	1	89	0	5	0	0	199
Trial	3,088	46	261	18	2,693	10	88	6	0	6,210
Failed to appear	26	1	4	0	25	0	0	0	0	56

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Table 7: Circuit Court- Charge at Disposition, by Disposition

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transfer	Illegal Transport	Straw Purchase	Total
Abate by death	90	0	9	4	90	0	0	6	0	199
Acquittal	101	1	5	0	37	2	0	0	0	146
Closed jeopardy or other conviction	1,696	32	406	67	2,508	54	1	23	0	4,787
Dismissed	51	1	5	0	53	0	0	7	0	117
Guilty	1,183	2	39	8	1,398	3	13	82	0	2,728
Incompetent to stand trial	23	0	1	0	19	0	0	0	0	43
Jury trial prayed	6	0	0	0	2	0	0	0	0	8
Lesser included offenses	11	0	0	0	0	0	0	0	0	11
Mistrial	3	0	2	0	6	0	0	2	0	13
No finding	1	0	0	0	2	0	0	0	0	3
No verdict	23	0	0	0	6	0	0	0	0	29
Nolle Prosequi	5,778	60	800	62	6,058	33	129	513	0	13,433
Not criminally responsible	8	0	0	1	2	0	0	0	0	11
Not guilty	301	0	21	5	184	0	1	10	0	522
Probation before judgment	2	0	3	1	20	0	0	0	0	26
Stet	62	1	3	2	87	2	1	17	0	175
Sub curia	521	4	62	7	470	1	0	41	0	1,106

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Table 8: Charge at Disposition for Firearm-related Crimes of Violence, by Court

	District Court	Circuit Court
Arson in the first degree	4	4
Assault in the first or second degree	8,505	5,341
Attempted assault in the first or second degree	10	0
Conspiracy assault in the first or second degree	492	773
Burglary in the first, second, or third degree	308	334
Attempted burglary in the first, second, or third degree	8	11
Conspiracy burglary in the first, second, or third degree	65	101
Solicitation burglary in the first, second, or third degree	1	0
Carjacking and armed carjacking	230	275
Attempted carjacking and armed carjacking	18	41
Conspiracy carjacking and armed carjacking	42	155
Escape in the first degree	1	1
Attempted escape in the first degree	1	0
Kidnapping	36	64
Attempted kidnapping	2	13
Conspiracy kidnapping	8	29
Voluntary manslaughter	11	20
Murder in the first or second degree	331	319
Attempted murder in the first or second degree	841	851
Conspiracy murder in the first or second degree	105	164
Accessory murder in the first or second degree	7	8
Rape in the first or second degree	150	121
Attempted rape in the first or second degree	10	14
Conspiracy rape in the first or second degree	1	2
Robbery	1,005	1,388
Attempted robbery	1	75
Conspiracy robbery	195	521
Robbery with a dangerous weapon	1,165	858
Attempted robbery with a dangerous weapon	1	348
Conspiracy robbery with a dangerous weapon	263	452
Sexual offense in the first, second, or third degree	164	185
Attempted sexual offense in the first, second, or third degree	2	4
Conspiracy sexual offense in the first, second, or third degree	1	0
Home invasion	145	123
Attempted home invasion	6	11
Conspiracy home invasion	62	95
Human trafficking	2	8

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

Crime Firearms

LEAs recovered one or more firearms in 26% (n=2,132) of reported incidents and provided information about 3,026 recovered firearms. Most incidents reported only one related firearm recovery. A total of 287 (13%) incidents resulted in the recovery of more than one firearm. In one incident, an LEA recovered 38 firearms.

LEAs recovered firearms in all 24 jurisdictions. LEAs responding to incidents in Prince George’s County recovered the greatest number of firearms (n=489, 16%), followed by Baltimore City (n=428, 14%), and Anne Arundel County (n=386, 13%).

Of the 3,026 crime firearms recovered by LEAs, 86% (n=2,586) had a serial number (Figure 5). LEAs were unsure if there was a serial number for 2% (n=67) of recovered firearms. Records for half (50%) of recovered firearms did not indicate if the firearm was privately made (n=1,508). Only 3% (n=85) of recovered firearms were recorded as privately-made, while 47% (1,433) were recorded as unknown or were missing data.

Two thirds (n=2,012) of recovered firearms were handguns, followed by rifles (n=527, 17%), followed by shotguns (n=331, 11%; Figure 6).

A total of 1,064 firearms were recovered during incidents initiated by a 9-1-1 call (Figure 7).

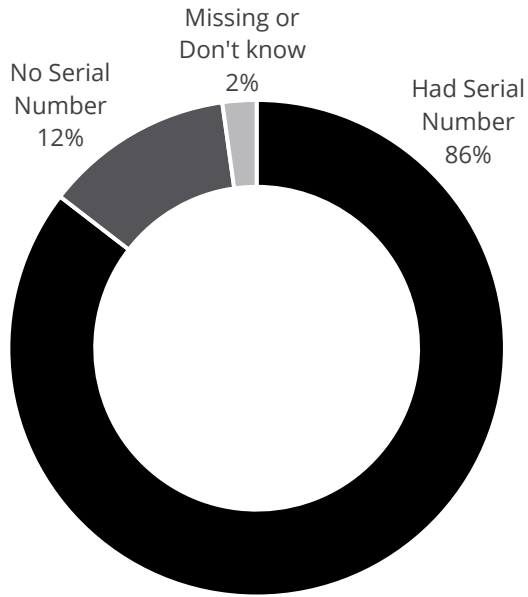
Table 9: Recovered Firearms, by Incident Location

Jurisdiction	Number of Firearms
Allegany	79
Anne Arundel	386
Baltimore City	428
Baltimore County	61
Calvert	81
Caroline	83
Carroll	88
Cecil	133
Charles	225
Dorchester	21
Frederick	88
Garrett	80
Harford	52
Howard	81
Kent	17
Montgomery	171
Prince George’s	489
Queen Anne’s	47
Somerset	38
St. Mary	52
Talbot	28
Washington	130
Wicomico	90
Worchester	78

Note: The jurisdiction is the location the incident was reported in.

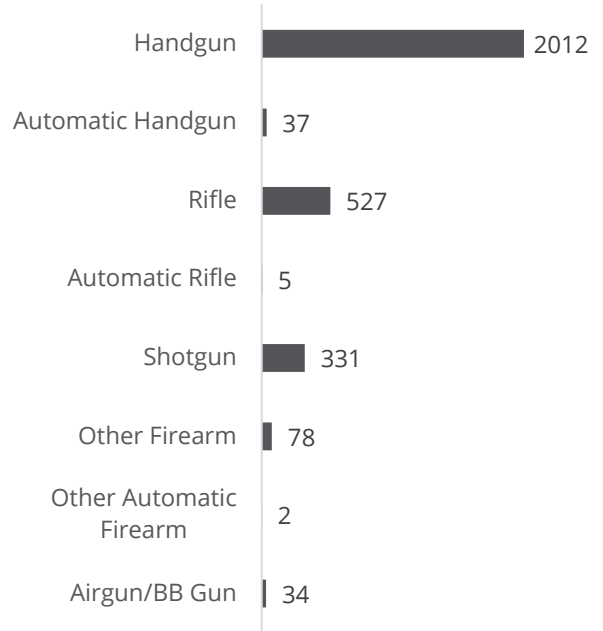
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Figure 5: Recovered Firearms, by Serial Number Status



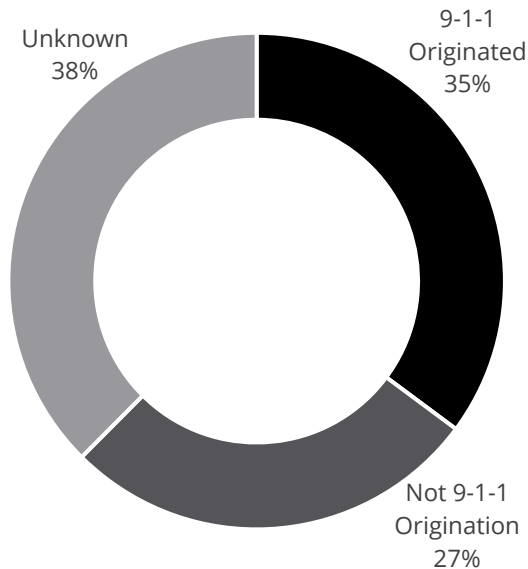
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Figure 6: Recovered Firearm Type



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Figure 7: Firearm Recovery, by 9-1-1 Origination



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Recovery Location

LEAs provided a recovery location for recovered firearms in 60% (n=1,823; Table 10) of the firearm records. A total of 1,203 (40%) firearms did not specify a recovery location.

WYSAC used data from the ATF to supplement recovery location data provided by LEAs (Table 11 and Table 12). The ATF reports the top-ten firearm recovery cities each calendar year.

Table 10: Firearm Recovery Location

Jurisdiction	Number of Firearms
Not Specified	1,204
Allegany	29
Anne Arundel	296
Baltimore City	363
Baltimore County	5
Calvert	3
Caroline	20
Carroll	26
Cecil	49
Charles	170
Dorchester	6
Frederick	34
Garrett	12
Harford	18
Howard	43
Kent	1
Montgomery	126
Prince George's	387
Queen Anne's	2
Somerset	1
St. Mary	21
Talbot	13
Washington	89
Wicomico	46
Worcester	62

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Table 11: Top-10 Maryland Firearm Recovery Cities, 2019

City	2019
Baltimore	2,490
Pasadena	320
Hagerstown	305
Frederick	286
Silver Spring	238
Hyattsville	211
Waldorf	194
Elkton	178
Glen Burnie	172
Capitol Heights	147

Note: ATF data is available by calendar year, not fiscal year.

Source: ATF

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Table 12: Top-10 Maryland Firearm Recovery Cities, 2020

City	2020
Baltimore	2,407
Glen Burnie	267
Hagerstown	214
Hyattsville	214
Pasadena	189
Silver Spring	183
Laurel	182
Waldorf	179
Frederick	174
Elkton	171

Note: ATF data is available by calendar year, not fiscal year.

Source: ATF

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Origin of Crime Firearms

The OAG and WYSAC requested data about each firearm's origin, however, only 570 firearms (19%) included origin data. Both the data collected from LEAs, and data reported by ATF indicate Maryland is the origin state for most crime firearms recovered in the State. Virginia is the second most common source state.

IN-STATE ORIGIN

Of the crime firearms recovered in Maryland with origin information, 225 (39%) originated from Maryland. Most (n=51, 23%) originated from Anne Arundel County.

LEAs identified 64 firearm dealers as retail sources for the recovered firearms. *Bass Pro Shops Outdoor World* in Gaithersburg sold the largest number of crime firearms (n=13).

Table 14 lists the top-ten locations with the most crime firearm sales.

RESULTS OF AUDITS OF FIREARM DEALERS

WYSAC summarized the results of the MSP's audits for the top-ten Maryland retailers of recovered firearms.

Bass Pro Shops Outdoor World

The Dealer Audit Unit completed two audits of *Bass Pro Shops Outdoor World*. The first audit, a compliance inspection on September 22, 2021, found that the dealer had a valid and properly displayed regulated firearm dealer (RFD)

Table 13: Jurisdiction of Sale for In-State Originated Recovered Firearms

Jurisdiction	Number of Firearms
Not Specified	22
Allegany	0
Anne Arundel	51
Baltimore City	20
Baltimore County	11
Calvert	1
Caroline	0
Carroll	5
Cecil	4
Charles	22
Dorchester	0
Frederick	7
Garrett	7
Harford	4
Howard	14
Kent	2
Montgomery	20
Prince George's	19
Queen Anne's	0
Somerset	0
St. Mary	6
Talbot	4
Washington	2
Wicomico	4
Worcester	0

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Table 14: Top-Ten Maryland Retailers of Recovered Firearms

Store Name	Number of Handguns	Number of Rifles	Number of Shotguns	Total Number of Firearms
Bass Pro Shop Outdoor World	6	5	2	13
Fred's Outdoors	2	4	3	9
Realco Guns, Inc	4		5	9
United Guns	7	1		8
On Target Inc	5		1	6
Worth a Shot	4	1		5
Atlantic Guns	4			4
Clyde's Sport Shop Inc	2	1	1	4
Fort Meade Exchange	3	1		4
Maryland Small Arms Range Inc	4			4

Note: Of recovered firearms with origin information.

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license, federal firearms license (FFL), trader’s license, and a Maryland tax license. At the time of inspection, the dealer had 35 regulated firearms (RFs), all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

The Dealer Audit Unit conducted a second audit, a targeted audit on January 13, 2022, after the dealer transferred a handgun prior to the seven-day mandatory waiting period. At the time of the audit, the employee who transferred the firearm was no longer employed by the dealer, and the manager who oversaw the transaction had been removed from the department. The auditor determined the improper transfer was an isolated incident. The audit was satisfactory, with no further action recommended.

Fred's Outdoors

The Dealer Audit Unit conducted a compliance audit and a targeted audit of *Fred's Outdoors* on March 2, 2022. The compliance inspection found that the dealer had a valid and properly displayed RFD license, FFL, trader’s license, and a Maryland tax license. At the time of inspection, the dealer had 10 RFs, all were properly logged in inventory and secondary-sale applications were complete and correct. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

The Dealer Audit conducted a targeted inspection due to the high number of expired applications. The audit found eight expired (pending for more than 90 days) firearm

applications. The dealer had not transferred any of the firearms. The Dealer Audit Unit provided technical assistance and the dealer canceled the expired applications.

Realco Guns, Inc.

The Dealer Audit Unit conducted a compliance inspection of *Realco Guns, Inc.* on April 16, 2021. The compliance inspection found the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 13 RFs, all of which were properly logged in the inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

United Gun Shop

The Dealer Audit Unit conducted a compliance inspection of *United Gun Shop* on March 29, 2022. The compliance inspection found the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 10 RFs, all were properly logged in inventory. The auditor found no issues in the inventory, recorded transfers, secondary-sale applications, or law enforcement applications. However, the auditor found the dealer had incorrectly recorded six applications as "estate sale" applications rather than "dealer sale" applications. The dealer corrected the applications during the inspection. The audit was satisfactory, with no further action recommended.

On Target, Inc.

The Dealer Audit Unit conducted a compliance inspection of *On Target, Inc.* on April 20, 2021. The compliance inspection showed the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 29 RFs, all of which were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

Worth-A-Shot

The Dealer Audit Unit conducted a compliance inspection, and a targeted audit of *Worth-A-Shot* on March 10, 2022. The compliance inspection found the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 10 RFs, all of which were properly logged in inventory. The auditor found no issues in the inventory, recorded transfers, or law enforcement applications. The audit found one transaction with an incorrect serial number recorded in the acquisition and disposition book, however, the serial number was correctly recorded on the application. The audit was satisfactory, with no further action recommended.

The Dealer Audit Unit conducted a targeted inspection due to the high number of expired applications. The targeted inspection found one expired application. The dealer had not transferred the firearm. The Dealer Audit Unit provided technical assistance and the dealer canceled the expired application.

Atlantic Guns

The Dealer Audit Unit conducted a compliance inspection of *Atlantic Guns* on March 29, 2022. The compliance inspection found the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 5 RFs, all of which were properly logged in inventory. The auditor found no issues in the inventory, recorded transfers, or transactions. The audit was satisfactory, with no further action recommended.

Clyde's Sport Shop

The Dealer Audit Unit conducted a targeted inspection of *Clyde's Sport Shop* on June 13, 2022, based on information that indicated the dealer was incorrectly processing secondary sales. The audit found eight pending seven-day applications, three of which contained discrepancies (two with incorrect firearm information and one with an incorrect serial number). In addition, the audit found the dealer incorrectly submitted one secondary sale application and omitted firearm information on required paperwork. The dealer canceled the pending applications, and the auditor advised the dealer to fill out paperwork completely.

Army Air Force Exchange (Ft. Meade)

The Dealer Audit Unit conducted a compliance inspection of the *Army Air Force Exchange* on January 28, 2022. The inspection found the dealer had a valid and properly displayed RFD license and FFL. The auditor did not provide information about the dealer's trader's license, Maryland tax license, or the number of RFs in the dealer's inventory. The auditor found no issues with pending applications or transactions. The audit was satisfactory, with no further action recommended.

Maryland Small Arms

The Dealer Audit Unit conducted a compliance inspection of *Maryland Small Arms* on June 8, 2021. The compliance inspection found the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 33 RFs, all of which were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

OUT OF STATE ORIGIN

LEAs reported 345 recovered firearms with an out-of-state origin. Table 15 lists the top-ten states of origin reported by LEAs during the reporting period. Table 16 lists the ATF’s top-ten states-of-origin for calendar year 2019 and Table 17 lists the ATF’s top-ten states-of-origin for calendar year 2020.

Table 15: Top-Ten States of Origin of Recovered Firearms with Out-of-State Origin

State	Number of Firearms
Virginia	86
Pennsylvania	38
Georgia	26
Delaware	20
West Virginia	20
North Carolina	19
Florida	15
South Carolina	15
Alabama	10
Arizona	8

Note: Of recovered firearms with origin information.

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Table 16: Top-Ten States of Origin of Recovered Firearms, 2019

State	2019
Virginia	1,054
Pennsylvania	380
North Carolina	262
Georgia	253
West Virginia	247
South Carolina	149
Florida	139
Delaware	125
Texas	110
Ohio	109

Note: ATF data is by calendar year, not fiscal year.

Source: ATF

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Table 17: Top-Ten States of Origin of Recovered Firearms, 2020

State	2020
Virginia	1,070
Georgia	340
Pennsylvania	313
West Virginia	247
North Carolina	221
South Carolina	188
Delaware	138
Florida	133
Ohio	114
Texas	105

Note: ATF data is by calendar year, not fiscal year.

Source: ATF

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Other State's Firearm Laws

As shown in Table 15, the ten states where the most crime firearms recovered in Maryland originated, in descending order, are: (1) Virginia; (2) Pennsylvania; (3) Georgia; (4) Delaware; (5) West Virginia; (6) North Carolina; (7) Florida; (8) South Carolina; (9) Alabama; and (10) Arizona. Since last year's report, Alabama and Arizona have replaced Ohio and Texas in the top ten. What follows is a summary of major changes to those states' laws regarding licensing, background checks, waiting periods, straw purchases, and concealed carry since 2021's report, followed by a brief comparison of the laws in those states in those five areas.⁴ Each section begins with a short summary of Maryland law – and, as necessary, federal law – to put these laws in perspective.

Significant Changes Since 2021

Since last year's report, the Maryland General Assembly and the United States Congress have enacted new firearm legislation. At its 2022 session, the General Assembly passed House Bill 425 and Senate Bill 387, regulating untraceable firearms (more commonly known as “ghost guns”); those bills became law without the Governor's signature. 2022 Md. Laws, ch. 18, 19. Additionally, House Bill 1021 imposed new security requirements on licensed firearms dealers. 2022 Md. Laws, ch. 55.

Meanwhile, the United States Congress passed and President Biden signed the Bipartisan Safer Communities Act. Pub. L. No. 117-159, 136 Stat. 1313 (2022) (“Safer Communities Act”). The Safer Communities Act made various changes to federal law including, as relevant here, a new federal prohibition on straw purchases. *Id.* § 12004, 136 Stat. at 1326.

Of the ten states listed above, only Delaware has increased its regulation of firearms in any of the five areas covered by this study since last year's report. Specifically, Delaware will soon become a “point of contact” state for federally required firearms background checks. This change means that Delaware law enforcement will perform background checks itself rather than delegating that function to the FBI, and may search additional databases beyond the FBI's background check system to determine whether a prospective purchaser is prohibited from owning a firearm. 2022 Del. Laws, ch. 330.

In contrast, Georgia repealed its permit requirement for concealed carry in 2022 (as did Alabama, one of the new additions to this year's top ten list), allowing most adults who lack criminal records and who are U.S. citizens or permanent residents to carry firearms in the state without a permit. 2022 Ala. Laws 133; 2022 Ga. Laws 596.

⁴ This comparison draws from the survey of state gun laws prepared by the Giffords Law Center to Prevent Gun Violence, <https://giffords.org/lawcenter/gun-laws/browse-gun-laws-by-state/> (last visited Nov. 7, 2022).

Federal constitutional law has also changed since last year's report. In *New York State Rifle & Pistol Ass'n v. Bruen*, the Supreme Court invalidated a New York law that required a prospective firearm purchaser to show an individualized need for self-defense greater than that of the community at large. 142 S. Ct. 2111, 2122 (2022). After *Bruen*, the Court of Special Appeals held a similar provision of Maryland law unconstitutional. *In re Rounds*, 255 Md. App. 205, 211-13 (2022).

Licensing

Maryland

Maryland does not require a license to own a firearm. It does, however, have an application process to purchase, rent, or transfer certain firearms and a specific licensing requirement to purchase, rent, or receive a handgun. As to application requirements, generally speaking, a person must submit a firearm application "before the person purchases, rents, or transfers a regulated firearm." Md. Code Ann., Pub. Safety ("PS") § 5-117. The term "regulated firearm" is defined as handguns and specified assault weapons, so this requirement does not apply to non-assault weapon rifles and shotguns. PS § 5-101(r). The firearm application must be submitted to either a licensed firearms dealer or a designated law enforcement agency, PS § 5-118(a), which, in turn, must forward a copy to the Secretary of the Maryland State Police for processing, PS § 5-120.

As part of Maryland's firearm application, the applicant must state under the penalty of perjury that the applicant: (i) is at least 21 years old; (ii) has never been convicted of a disqualifying crime; (iii) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years; (iv) is not a fugitive from justice; (v) is not a "habitual drunkard"; (vi) is not addicted to a controlled dangerous substance or is not a habitual user; (vii) does not suffer from a mental disorder and have a history of violent behavior; (viii) has never been found incompetent to stand trial; (ix) has never been found not criminally responsible; (x) has never been voluntarily admitted for more than 30 consecutive days to a facility for individuals with mental disorders; (xi) has never been involuntarily committed to such a facility; (xii) is not under the protection of a guardian appointed by a court unless solely as a result of a physical disability; (xiii) is not a respondent against whom protective orders have been entered; and (xiv) if under the age of 30 years at the time of application, has not been adjudicated delinquent by a juvenile court for certain acts. PS § 5-118(b).

On receipt of a firearm application, the Secretary of the Maryland State Police "shall conduct an investigation promptly to determine the truth or falsity of the information supplied and statements made in the firearm application." PS § 5-121. The Secretary shall disapprove a firearm application if the Secretary determines it contains falsities or is not properly completed,

or if the Secretary “receives written notification from the firearm applicant’s licensed attending physician that the firearm applicant suffers from a mental disorder and is a danger to the firearm applicant or to another.” PS § 5-122. An aggrieved applicant may request a hearing in writing within 30 days after the Secretary gives notice that the application has been disapproved, and the Secretary shall grant the hearing within 15 days. PS § 5-126(a). The hearing must be held in the county of the applicant’s legal residence, PS § 5-126(c), and is subject to judicial review, PS § 5-127.

As to licensing requirements, there is a specific provision that requires a license to obtain a handgun. With certain limited exceptions, a person may “purchase, rent, or receive a handgun” only if the person possesses a valid handgun qualification license issued by the Secretary of the Maryland State Police and is not prohibited from purchasing or possessing a handgun under state or federal law. PS § 5-117.1(c). The Secretary “shall issue” a handgun qualification license to a person who the Secretary finds is at least 21 years of age, is a resident of the state, has demonstrated satisfactory completion within the past 3 years of a firearms safety training course approved by the Secretary, and, based on an investigation, is not prohibited by state or federal law from purchasing or possessing a handgun. PS § 5-117.1(d). As part of the investigation, the Secretary must submit a complete set of the applicant’s fingerprints to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services and apply for a state and national criminal history records check. PS § 5-117.1(f). The Secretary shall issue a handgun qualification license if the application is approved, or a written denial, within 30 days of receipt of the application, and aggrieved applicants have similar appeal rights to those described above. PS § 5-117.1(h). The license expires 10 years from the date of issuance. PS § 5-117.1(i).

Other states

None of the states surveyed require a license to own a firearm nor do they have a firearm application process to obtain or transfer a firearm (beyond the background checks discussed in the next section), although one of the states—North Carolina—requires a license (or permit) to purchase or receive a “pistol,” which does involve the submission of an electronic application. In North Carolina, it is unlawful for any person to “sell, give away, or transfer, or to purchase or receive . . . any pistol” unless a permit is obtained by the purchaser or receiver from the sheriff of the county in which the purchaser or receiver resides, or the purchaser or receiver holds a valid North Carolina concealed handgun permit and is a resident of the state. N.C. Gen. Stat. Ann. § 14-402(a). By the terms of the statute, which refers to the purchase of a “pistol” but verifies a person’s qualifications to purchase a “handgun,” *id.* § 14-403, this requirement does not apply to long guns. A permit to purchase a “pistol” expires five years from the date of issuance. *Id.*

A sheriff “shall issue” a permit to purchase a “pistol” in North Carolina once the sheriff has conducted a criminal background check using state and national databases, is fully satisfied the applicant is of “good moral character” based on conduct for the five-year period immediately preceding the application, and is fully satisfied the applicant “desires the possession of the weapon mentioned for (i) the protection of the home, business, person, family or property, (ii) target shooting, (iii) collecting, or (iv) hunting.” *Id.* § 14-404(a). If the sheriff is not fully satisfied with the application, the sheriff may “for good cause shown,” decline to issue the permit and provide to the applicant within 7 days of the refusal a written statement of the reason for the refusal. *Id.* § 14-404(b). Each applicant for a permit shall be informed by the sheriff within 14 days of the date of application whether the permit will be granted or denied and, if granted, the permit shall be immediately issued to the applicant. *Id.* § 14-404(f). An applicant may appeal the denial of a permit to the superior court in the district in which the application was filed. *Id.* § 14-404(b).

A permit to purchase a “pistol” in North Carolina may not be issued to a person who: (i) is under an indictment or has been convicted of a felony; (ii) is a fugitive from justice; (iii) is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug; (iv) has been adjudicated mentally incompetent or has been committed to any mental institution; (v) is an alien illegally or unlawfully in the United States; (vi) has been discharged from the Armed Forces of the United States under dishonorable conditions; (vii) has renounced his or her citizenship in the United States; or (viii) is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or the partner’s child. *Id.* § 14-404(c).

Background Checks

In order to understand state laws on background checks, some knowledge of federal law is required. The principal federal law concerning background checks is the Brady Act, which, among other things, requires licensed firearms dealers to request a background check on a purchaser prior to the sale of a firearm. 18 U.S.C. § 922(t). States have the option under that law to serve as the “point of contact” for all firearm transactions and have state and local agencies conduct required background checks using state and federal databases or to have the Federal Bureau of Investigation (“FBI”) conduct background checks using only the National Instant Criminal Background Check System (“NICS”).⁵ The key difference is that point-of-contact states often search records that may not show up in the NICS. Notably, the Brady Act does not require private sellers (i.e., sellers who are not licensed firearms dealers) to request a background check.

⁵ The FBI maintains a NICS Participation Map showing which states presently serve as points of contact. See <https://www.fbi.gov/services/cjis/nics/about-nics> (last visited Nov. 7, 2022).

Maryland

Maryland is considered a partial point-of-contact state, because the background check process depends on the type of firearm. For handguns, licensed firearms dealers contact the Secretary of the Maryland State Police to request a background check; for long guns, they contact the FBI. PS § 5-117.1(f). Private sellers, meanwhile, must process transfers of regulated firearms through a licensed dealer or designated law enforcement agency, which, in turn, requests a background check from the appropriate entity. PS § 5-124(a).

Other states

One of the states surveyed—North Carolina—is also a partial point-of-contact state. For handguns, licensed firearms dealers contact the county sheriff to request a background check and, for long guns, they contact the FBI. N.C. Gen. Stat. Ann. § 14-404.

Three of the states surveyed—Virginia, Pennsylvania, and Florida—are currently point-of-contact states. Thus, licensed firearm dealers in those states process all of their background checks through the State Police (in Florida, the Department of Law Enforcement), rather than the FBI. Each state has enacted laws to implement its own background check requirements. For example, Virginia provides that no dealer shall “sell, rent, trade, or transfer from his inventory” any firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and other information from the applicant and (ii) requested criminal history information from the State Police and is authorized by law to complete the sale or transfer. Va. Code Ann. § 18.2-308.2:2. Pennsylvania, meanwhile, requires licensed firearms dealers to request that the State Police conduct a “criminal history, juvenile delinquency and mental health records background check” prior to the transfer of a firearm. 18 Pa. Cons. Stat. Ann. § 6111. Florida prohibits a licensed firearms dealer from selling or delivering a firearm until the licensed firearms dealer has obtained a prescribed form with photo identification, collected a fee, requested a check of information reported in the Florida Crime Information Center and National Crime Information Center systems, and received a unique approval number from the Department of Law Enforcement. Fla. Stat. Ann. § 790.065.

Delaware, which is currently not a point-of-contact state, enacted legislation in 2022 that will make it a point-of-contact state by June 30, 2023. 2022 Del. Laws, ch. 330, §§ 1, 8. The new law will require dealers to submit requests for background checks to the State Bureau of Identification of the Delaware State Police, which will then transmit a request for a background check to the NICS system and also “search other available databases” to determine if the requesting individual is a prohibited purchaser. Del. Code Ann. tit. 11, § 8572.⁶

⁶ In 2018, Florida enacted a “risk protection order” law that authorizes law enforcement to petition a court for a civil order preventing a dangerous person from accessing firearms for the period of time stated in the order, which is

Five of the states surveyed—Alabama, Arizona, Georgia, West Virginia, and South Carolina—are not point-of-contact states. Thus, licensed firearms dealers run the background checks required by federal law through the FBI and the NICS. Georgia and Alabama both have state laws reiterating the requirement in federal law that all transfers by licensed firearms dealers are subject to background checks through the NICS. Ga. Code Ann. § 16-11-172; Ala. Code § 41-9-649. The remaining three states have no state law requiring licensed firearms dealers to initiate background checks prior to transferring a firearm, thus relying solely on federal law.⁷

Four of the states surveyed—Virginia, Delaware, Pennsylvania, and North Carolina—have enacted state laws that require private sellers to obtain a background check. In Virginia, private sellers must obtain verification from a licensed firearms dealer that information on the prospective purchaser has been submitted for a background check and that a determination has been received by the State Police that the purchaser is not prohibited from possessing a firearm. Va. Code Ann. § 18.2-308.2:5. Similarly, in Delaware, private sellers must request a licensed firearms dealer to facilitate a firearms transaction, including the background check, prior to transferring a firearm to another unlicensed person. Del. Code Ann. tit. 11, § 1448B. In Pennsylvania, private sellers may only sell a handgun or short-barreled rifle or shotgun at “the place of business of a licensed importer, manufacturer, dealer or county sheriff’s office” and the licensed entity must conduct a background check “as if [it] were the seller of the firearm.” 18 Pa. Cons. Stat. Ann. § 6111(c). In North Carolina, if the firearm being transferred is a “pistol,” private sellers must verify that the purchaser holds either a permit to purchase or a concealed carry permit, both of which require a background check; like Pennsylvania, however,

forwarded for entry into the Florida Crime Information Center and National Crime Information Center within 24 hours of issuance. Fla. Stat. Ann. § 790.401. That same year, Delaware enacted a similar law where family members, individuals in some intimate relationships, or law enforcement may petition for a “lethal violence protective order” that prohibits a person from “controlling, owning, purchasing, possessing, having access to, or receiving a firearm” for up to one year. Del. Code Ann. tit. 10, § 7701 *et seq.* Virginia enacted a similar law in 2020, requiring a “substantial risk order” to be forwarded to the Virginia Criminal Information Network no later than the end of the business day on which it was issued. Va. Code Ann. § 19.2-152.14. For its part, Maryland’s extreme risk protection order law—enacted in 2018—allows law enforcement officers, spouses, cohabitants, persons related by blood, marriage, or adoption, individuals who have a child in common, current dating or intimate partners, current or former legal guardians, and medical professionals or social workers to petition for such an order, which requires a person to surrender any firearm in the person’s possession and prohibits the person from purchasing or possessing a firearm for the duration of the order, up to one year. *See* PS § 5-601 *et seq.*

⁷ Individuals who hold certain permits issued by state or local authorities, often referred to as Brady permits, may bypass the federally required background check, provided the permit has been issued (1) within the previous five years in the state in which the transfer is to take place and (2) after an authorized government official has conducted a background investigation to verify that the purchaser is not prohibited from possessing a firearm. *See* 18 U.S.C. § 922(t)(3); *see also* Bureau of Alcohol, Tobacco, Firearms and Explosives, Permanent Brady Permit Chart, <https://www.atf.gov/rules-and-regulations/permanent-brady-permit-chart> (June 21, 2021). Five of the states surveyed—Arizona, Georgia, North Carolina, South Carolina, and West Virginia—issue Brady permits. Maryland does not.

background checks are not required when the firearm is a long gun. N.C. Gen. Stat. Ann. § 14-402.

Six of the states surveyed—Alabama, Arizona, Florida, Georgia, South Carolina, and West Virginia—do not require private sellers to initiate a background check when transferring a firearm. However, the Florida Constitution states that “[e]ach county shall have the authority to require a criminal history records check . . . in connection with the sale of any firearm occurring within such county.” The term “sale” for purposes of this section “means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access.” Fla. Const. Art. VIII § 5(b). Notably, this local option provision does not extend to “[h]olders of a concealed weapons permit as prescribed by general law” when purchasing a firearm. *Id.*

Under federal law, if a licensed firearms dealer who has initiated a background check has not been notified within three business days that the purchaser is prohibited from possessing a firearm, the dealer may proceed with the sale by default. 18 U.S.C. § 922(t)(1). Five of the states surveyed—Virginia, Delaware, Pennsylvania, Florida, and North Carolina—have enacted laws that extend this timeframe either directly or indirectly. In Virginia, if a licensed firearms dealer is told that the background check will not be available by the end of the dealer’s fifth business day, the dealer may immediately complete the sale. Va. Code Ann. § 18.2-308.2:2(B)(2). In Delaware, if 25 days have elapsed from the time the background check is requested and the FBI—or, once the state’s new legislation becomes effective, the State Police—still has not issued a denial, the transfer may proceed. Del. Code Ann. tit. 11, § 1448A(b). In a departure from those specified extensions, Pennsylvania law provides that if the criminal history or juvenile delinquency check indicates a conviction for a misdemeanor that the State Police cannot determine is or is not related to an act of domestic violence, the State Police shall issue a temporary delay and investigate as expeditiously as possible, but no firearm may be transferred during the temporary delay. 18 Pa. Cons. Stat. Ann. § 6111(b)(7). Thus, the transfer is held not for a specific number of days but rather pending the investigation. In all other cases, Pennsylvania law allows ten days for completion of the background check. *Id.* § 6111(b)(1.1)(iii). Florida’s mandatory waiting period for the delivery of a firearm, discussed further below, ends after three days or upon completion of a background check, whichever is *later*. Fla. Stat. Ann. § 790.0655. Although not framed as an extension of time, North Carolina, as discussed above, provides the sheriff up to 14 days to grant or deny a permit to purchase a “pistol,” effectively extending the timeframe within which to complete the required background check. N.C. Gen. Stat. Ann. § 14-404(f).

Waiting Periods**Maryland**

In Maryland, except for transfers to certain law enforcement and military personnel, no person—regardless of whether they are a licensed firearms dealer or a private seller—may “sell, rent, or transfer a regulated firearm,” that is, a handgun or specified assault weapon, until 7 days after a firearm application is forwarded to the Secretary of the Maryland State Police. PS §§ 5-123(a), 5-124(a)(1), 5-137(b).

Other states

Only one of the states surveyed—Florida—has enacted a waiting period law. In Florida, there is a mandatory waiting period between the purchase and delivery of any firearm. The waiting period is 3 days, excluding weekends and legal holidays, or the time that it takes to complete the background check, whichever is later. Fla. Stat. Ann. § 790.0655. However, there are exemptions to this requirement. For example, the waiting period does not apply when the purchaser of any firearm has a concealed carry permit, when the purchaser of a rifle or shotgun has completed a hunter safety course, or when the purchaser of a rifle or shotgun is a law enforcement officer, correctional officer, or service member. *Id.* The waiting period also does not apply to the trade-in of another firearm. *Id.*

The remaining states do not have any express waiting period. As discussed above, though, some states effectively have waiting periods to the extent the purchase or transfer of a firearm cannot be completed until the appropriate license or permit has been issued or required background checks have been completed.

Straw Purchases

The term “straw purchase” generally refers to the situation where a purchaser is buying a firearm on behalf of someone else who is ineligible to purchase or possess that firearm. Federal law prohibits any person from selling or otherwise disposing of a firearm to a person if the seller “know[s]” or has “reasonable cause to believe” the buyer is prohibited from possessing a firearm. *See* 18 U.S.C. § 922(d).

The federal Safer Communities Act, enacted in 2022, added a new prohibition on straw purchases. The new statute makes it a federal crime to knowingly purchase, or conspire to purchase, a firearm for another person, “knowing or having reasonable cause to believe” that the other person is prohibited from purchasing a firearm under federal law, intends to use the firearm in furtherance of a felony, terrorism, or drug trafficking, or intends to sell or dispose of the firearm to a prohibited person. Pub. L. No. 117-159, § 12004, 136 Stat. at 1327 (to be codified at 18 U.S.C. § 932).

Maryland

Maryland law expressly defines “straw purchase” to mean “a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to: (1) complete the application to purchase a regulated firearm; (2) take initial possession of the regulated firearm; and (3) subsequently transfer the regulated firearm to the person.” PS § 5-101(v). A person may not “knowingly or willfully participate” in a straw purchase of a regulated firearm. PS § 5-136(b). If the regulated firearm is a gift to the purchaser’s spouse, parent, grandparent, grandchild, sibling, or child, the recipient must nonetheless complete a firearm application and forward a copy to the Secretary within 5 days of receipt of the firearm. PS § 5-136(a). A person may not “knowingly give false information or make a material misstatement in a firearm application or in an application for a dealer’s license.” PS § 5-139.

Other states

Six of the states surveyed—Virginia, Florida, Delaware, North Carolina, Pennsylvania, and Alabama—prohibit providing false information in connection with a firearms transfer. In Virginia and Florida, the law prohibits both the buyer from “willfully” providing false information and the seller from requesting criminal history information “under false pretenses.” *See* Va. Code Ann. § 18.2-308.2:2(E), (K); Fla. Stat. Ann. § 790.065(7), (12)(a). The other states focus more on information that is provided by the buyer in order to deceive the seller. For example, Delaware prohibits a “materially false oral or written statement” that is “intended or likely to deceive” the seller. Del. Code Ann. tit. 11, § 1448A(g). North Carolina similarly prohibits any person from providing “information that the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer.” N.C. Gen. Stat. Ann. § 14-408.1(c). In Pennsylvania, the law prohibits “any person, purchaser or transferee” from “knowingly and intentionally” making materially false oral or written statements, and also penalizes one who “willfully furnishes or exhibits any false identification intended or likely to deceive the seller.” 18 Pa. Cons. Stat. Ann. § 6111(g)(4).⁸ Finally, in Alabama, a person who “provides to a licensed dealer or a private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of the transfer” is guilty of a felony. Ala. Code § 13A-11-58.1(c).

Six of the states surveyed—Delaware, Virginia, Georgia, North Carolina, Florida, and Alabama—have laws that target the “straw purchaser.” The laws in these states primarily differ

⁸ Pennsylvania also requires the buyer of a handgun to affirm, on a form, that he or she is the “actual buyer.” The form explains that a person is not the actual buyer under Pennsylvania law if the buyer is acquiring the firearm on behalf of another person, unless it is a gift for a spouse, parent, child, grandparent, or grandchild. 18 Pa. Cons. Stat. Ann. § 6111(b)(1).

in terms of the level of knowledge that is required for culpability. Delaware simply prohibits “engaging in a firearms transaction on behalf of another” who is not qualified to purchase, own, or possess a firearm. Del. Code Ann. tit. 11, § 1455. Virginia imposes penalties if the buyer intends to resell or otherwise provide a firearm to a person that the buyer “knows or has reason to believe is ineligible . . . for whatever reason.” Va. Code Ann. § 18.2-308.2:2(M). Georgia imposes penalties on any person who “knowingly attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm to an individual who is not the actual buyer,” as well as on any person who “willfully and intentionally aids or abets such person.” Ga. Code Ann. § 16-11-113(a). While Georgia’s law focuses on dealers, North Carolina has a similar provision that penalizes any person who “knowingly solicits, persuades, encourages, or entices a licensed dealer or *private seller*” to transfer a firearm under circumstances that the person knows are illegal. N.C. Gen. Stat. Ann. § 14-408.1(b) (emphasis added). Florida imposes penalties only if the buyer “knowingly acquires a firearm . . . intended for the use of a person who is prohibited by state or federal law from possessing or receiving a firearm.” Fla. Stat. Ann. § 790.065(12)(d). Lastly, Alabama law provides that a person who knowingly “solicits, persuades, encourages, or entices a licensed dealer or private seller” to transfer a firearm or ammunition, under circumstances which the person knows would violate state or federal law, commits a felony. Ala. Code § 13A-11-58.1(b).

Two of the states surveyed—Virginia and West Virginia—have laws that target the “actual buyer,” that is, the prohibited person who receives the firearm. Virginia penalizes any ineligible buyer who solicits another person to purchase a firearm on his or her behalf. Va. Code Ann. § 18.2-308.2:2(N). West Virginia penalizes a person who willfully procures another person to entice a seller to transfer a firearm knowing the transfer is illegal. W. Va. Code Ann. § 61-7-10(e).

Two of the states surveyed—Virginia and Pennsylvania—have laws that target the seller. Virginia makes it a crime to sell or furnish a firearm to any person the seller or transferor knows is prohibited from possessing or transporting a firearm. Va. Code Ann. § 18.2-308.2:1. Pennsylvania penalizes any seller who “knowingly or intentionally sells, delivers, or transfers a firearm under circumstances intended to provide a firearm” to a person ineligible to possess one. 18 Pa. Cons. Stat. Ann. § 6111(g)(2).

Arizona prohibits “trafficking” in weapons in service to the interests of a “criminal street gang, a criminal syndicate or a racketeering enterprise,” Ariz. Rev. Stat. § 13-3102(a)(16), but has no law generally regulating straw purchases.

South Carolina has no state laws to address straw purchases.

Concealed Carry

Maryland

Maryland requires a person to have a permit “before the person carries, wears, or transports a handgun.” PS § 5-303. The Secretary of the Maryland State Police “shall issue a permit within a reasonable time” to a person who the Secretary finds meets the statutory criteria. PS § 5-306(a). Those criteria include, as an initial matter, that the person is an adult, has not been convicted of certain crimes, is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance other than under legitimate medical direction, and has successfully completed a firearms training course approved by the Secretary. *Id.* The training course must include, for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor, and, for a renewal application, a minimum of 8 hours of instruction. PS § 5-306(a)(5). The course must include classroom instruction on state firearm law, home firearm safety, and handgun mechanism and operations, as well as a firearms qualification component that demonstrates the applicant’s proficiency and use of the firearm. *Id.*

As to additional criteria, before issuing a carry permit, the Secretary must also find, based on an investigation, that the person “has not exhibited a propensity for violence or instability that may reasonably render the person’s possession of a handgun a danger to the person or to another.” PS § 5-306(a)(6)(i). The statute also requires the Secretary to find that the applicant “has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger.” PS § 5-306(a)(6)(ii). However, the Court of Special Appeals has held the “good and substantial reason” requirement unconstitutional under the United States Supreme Court’s 2022 decision invalidating a similar provision of New York law. *In re Rounds*, 255 Md. App. at 211-13 (citing *Bruen*, 142 S. Ct. 2111).

For applicants under the age of 30 years, the Secretary must also find that the applicant has not been committed for juvenile detention for longer than a year or been adjudicated delinquent for an act that would be a crime of violence or carry certain penalties if committed by an adult. PS § 5-306(c). If a permit is issued, that permit must be carried “whenever the person carries, wears, or transports a handgun.” PS § 5-308.

Other states

Four of the states surveyed—Alabama, Arizona, Georgia, and West Virginia—allow people to carry a concealed weapon in public without a license or permit. In Arizona, anyone 21 or over who is not subject to certain criminal or court-imposed disabilities, and who is a U.S. citizen or legal resident, may carry a firearm without a permit, although they must truthfully answer if asked by a law enforcement officer whether they are carrying a concealed weapon. *See* Ariz. Rev. Stat. § 13-3102(A)(1)(b); *see also id.* § 13-3101(A)(7) (defining “prohibited possessor”). Similarly, in West Virginia, any person who is 21 years of age or older and a U.S. citizen or legal

resident may carry a concealed deadly weapon unless otherwise prohibited by law. W. Va. Code Ann. § 61-7-7(c).

Alabama and Georgia both abolished their concealed-carry permit requirements in 2022. The change has already taken effect in Georgia and will take effect January 1, 2023, in Alabama. 2022 Ala. Laws 133, § 12; 2022 Ga. Laws 596. Under Alabama’s new law, anyone aged 18 or over, who is not prohibited from carrying a firearm by state or federal law, may carry a firearm without a permit. 2022 Ala. Laws 133, § 1 (amending Ala. Code § 13A-11-85); Ala. Code § 13A-11-72 (specifying classes of persons who may not have a firearm). Similarly, Georgia allows any “lawful weapons carrier” (defined as any person who is either licensed or merely eligible for a license in Georgia, or licensed in any other state, and not otherwise prohibited by law) to carry a firearm. 2022 Ga. Laws 596, §§ 4-5 (amending Ga. Code Ann. §§ 16-11-125.1(2.1), 16-11-126).⁹

The states that do require a license or permit to carry a concealed weapon in public vary in terms of the qualifications they set, and the level of discretion authorities have when determining whether an applicant meets the qualifications. Notably, Delaware requires good character as a qualification for receiving a concealed carry permit.¹⁰ In Delaware, an applicant must file a certificate from five “respectable citizens” of the county stating that the applicant is of good moral character, has a reputation for peace and good order, and that possession of a concealed deadly weapon is necessary for the protection of the applicant or the applicant’s property. Del. Code Ann. tit. 11, § 1441(a)(2). That qualification—and the others set forth in state law—must be “strictly complied with” before an applicant “may be licensed.” *Id.* § 1441(a). Indeed, the statute provides that “[t]he Court may or may not, in its discretion, approve any application.” *Id.* § 1441(d). The Supreme Court in *Bruen*, however, did not call Delaware’s permitting regime into question, listing it among the “shall issue” states on the ground that it rarely denies permits in practice. 142 S. Ct. at 2123 n.1.

Two additional states—Virginia and Pennsylvania—do not have character requirements but instead allow authorities to deny an application when there is reason to believe the applicant is

⁹ All four of the states that do not require a concealed-carry license nonetheless issue such licenses, presumably because having a license may be relevant to the license holder if another state offers reciprocity. All four states are “shall issue” jurisdictions and, although the exact prerequisites vary slightly, all four generally impose an age requirement, a citizenship or legal residency requirement, and a requirement that the person not have certain criminal convictions or pending charges, and not have certain mental health and/or substance abuse issues. See Ala. Code § 13A-11-75; Ariz. Rev. Stat. § 13-3112; Ga. Code Ann. § 16-11-129; W. Va. Code Ann. § 61-7-4a. As discussed further below, Arizona and West Virginia also require firearms safety training as a prerequisite for a permit, but not for permitless carry. Alabama also authorizes a sheriff to deny a permit to an individual who has “[c]aused or causes justifiable concern for public safety.” Ala. Code § 13A-11-75(c)(11).

¹⁰ Delaware also requires good cause, that is, an applicant must submit a statement that the applicant desires to carry a concealed deadly weapon “for personal protection or protection of the person’s property, or both,” and submit to a criminal background check. Del. Code Ann. tit. 11, § 1441(a)(1). Again, the *Bruen* Court did not question this aspect of Delaware law. 142 S. Ct. at 2123 n.1.

dangerous. In Virginia, a person is disqualified from obtaining a permit if “the court finds, by a preponderance of the evidence, based on specific acts by the applicant, [that the applicant] is likely to use a weapon unlawfully or negligently to endanger others.” Va. Code Ann. § 18.2-308.09. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement on this matter, if it is “based upon personal knowledge of such individual or of a deputy sheriff, police officer or assistant attorney for the Commonwealth . . . or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.” *Id.* In Pennsylvania, the sheriff “shall not” issue a license to “[a]n individual whose character and reputation is such that the individual would be likely to act in a manner dangerous to public safety.” 18 Pa. Cons. Stat. Ann. § 6109.

Five of the states surveyed—Virginia, Florida, North Carolina, South Carolina, and Delaware—require firearm safety training in order to receive a concealed carry permit. Two additional states—Arizona and West Virginia—have training requirements as well, but obtaining a permit is optional. In any event, the state laws in this area vary based on the range of courses that qualify and the extent to which the content of those courses is prescribed. In Virginia, the law outlines a variety of courses that would qualify but also allows “any other firearms training that the court deems adequate.” Va. Code Ann. § 18.2-308.02. Similarly, Florida lists a number of training courses that can “[d]emonstrate[] competence” but does not prescribe the content of those courses. Fla. Stat. Ann. § 790.06. In North Carolina, applicants must complete an “approved firearms safety and training course which involves the actual firing of handguns and instruction in the laws of this State governing the carrying of a concealed handgun and the use of deadly force.” N.C. Gen. Stat. Ann. § 14-415.12. An approved course is one that satisfies the law’s requirements and that is certified or sponsored by the North Carolina Criminal Justice Education and Training Standards Commission, the National Rifle Association, or a law enforcement agency, college, private or public institution or organization, or firearms training school taught by instructors certified by either of the first two entities. *Id.*

South Carolina requires “proof of training” to receive a concealed weapons permit, S.C. Code Ann. § 23-31-215, requiring an applicant to have, “within three years of filing an application, completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety.” S.C. Code Ann. § 23-31-210. The course must include: (i) information on the statutory and case law of the state relating to handguns and to the use of deadly force; (ii) information on handgun use and safety; (iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; (iv) the actual firing of the handgun in the presence of the instructor, provided that a minimum of twenty five rounds must be fired; (v) properly securing a firearm in a holster; (vi) “cocked and locked” carrying of a firearm; (vii) how to respond to a person who attempts to take your

firearm from your holster; and (viii) de-escalation techniques and strategies. *Id.* Certain individuals who have completed military basic training and retired law enforcement officers must only provide proof of training on the first element, that is, on the statutory and case law of the state relating to handguns and to the use of deadly force, while other individuals, such as active military and handgun instructors, need only provide documentation of that status to satisfy the requirement. *Id.*

Delaware is similarly prescriptive in terms of course content. In Delaware, training courses must include: (i) instruction regarding knowledge and safe handling of firearms; (ii) instruction regarding safe storage of firearms and child safety; (iii) instruction regarding knowledge and safe handling of ammunition; (iv) instruction regarding safe storage of ammunition and child safety; (v) instruction regarding safe firearms shooting fundamentals; (vi) live fire shooting exercises conducted on a range, including the expenditure of a minimum of 100 rounds of ammunition; (vii) identification of ways to develop and maintain firearm shooting skills; (viii) instruction regarding federal and state laws pertaining to the lawful purchase, ownership, transportation, use and possession of firearms; (ix) instruction regarding the laws of the state pertaining to the use of deadly force for self-defense; and (x) instruction regarding techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution. Del. Code Ann. tit. 11, § 1441(a)(3).

To qualify for an optional concealed-carry permit under Arizona law, an applicant must “demonstrate competence with a firearm” by taking a course in one of a variety of settings, or through military service; the contents of the course are not specified, and Arizona will accept a permit from another state in satisfaction of the training requirement, as long as the other state also imposes a training requirement. Ariz. Rev. Stat. § 13-3112(N). Similarly, to obtain an optional West Virginia permit, an applicant must complete a training course in handling and firing a handgun that includes the actual live firing of ammunition by the applicant. W. Va. Code Ann. § 61-7-4(e).

Three of the states surveyed—Pennsylvania, Alabama, and Georgia—do not require firearms safety training in order to receive a concealed carry permit.

Table 18: Comparison of State Firearm Laws

	Licensing		Background Checks		Waiting Periods		Straw Purchases				Concealed Carry			
	To Own	To Buy	Point of Contact	Private Sellers	Express Period	Extend Checks	False Info	Straw Purchase ¹	Actual Buyer	Initial Seller	Permit Required	Character	Evaluate Danger	Safety Training
MD		✓	Partial	✓	✓		✓	✓	✓	✓	✓		✓	✓
VA			✓	✓		✓	✓	✓	✓	✓	✓		✓	✓
PA			✓	✓		✓	✓		✓	✓	✓		✓	
GA								✓						
DE			✓ ²	✓		✓	✓	✓			✓	✓		✓
WV									✓					✓ ³
NC		✓	Partial	✓		✓	✓	✓			✓			✓
FL			✓		✓	✓	✓	✓			✓			✓
SC											✓		✓ ³	✓
AL							✓	✓			4		✓	
AZ														✓ ³

Note: A grey cell indicates a change in law since 2021.

¹All states covered by new straw purchase prohibition in federal Bipartisan Safer Communities Act

²Effective no later than June 30, 2023

³Applies only to persons who choose to obtain an optional concealed-carry permit

⁴Effective January 1, 2023

Source: MD OAG

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Time-to-Crime

In 2019, the average time-to-crime for traced firearms in Maryland was 11.4 years (compared to the national average, 8.3 years).^{ix} In 2020, the average time-to-crime was 10.0 years (compared to the national average, 7.0 years).^x A time-to-crime of less than three years is considered a potential indicator of trafficking.^{xi}

Table 19: Time-To-Crime in Maryland, 2019 & 2020

	Under 3 Months	3 Months to Under 7 Months	7 Months to Under 1 Year	1 Year to Under 2 Years	2 Years to Under 3 Years	3 Years and Over
2019	237	230	280	574	556	4,600
2020	436	415	302	552	485	4,068
Total	673	645	582	1,126	1,041	8,668

Note: ATF data are provided by calendar year.

Source: ATF

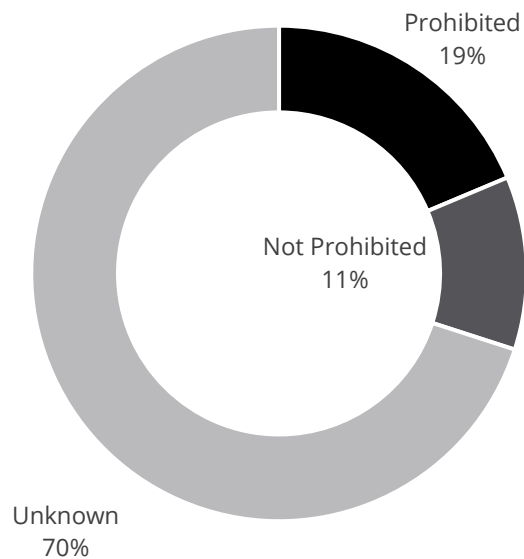
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Persons Prohibited from Possessing a Firearm

The OAG and WYSAC asked the LEAs to indicate whether individuals found in possession of crime firearms were previously disqualified from possessing a firearm.

Around 19% (n=565) of the firearms recovered were possessed by a disqualified person. The remaining 81% were either not possessed by a disqualified person (n=342, 11%), or the possessors disqualification status was either unknown or missing (n=2,119, 70%).

Figure 8: Firearm Recovery, by Prohibited Status



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Recommendations and Conclusions

- WYSAC recommends using criminal history records information (CHRI) from Maryland Department of Public Safety’s Criminal Justice Information Systems (CJIS). CHRI can provide linked arrest, charging, disposition, and offender information.
- WYSAC recommends requesting or requiring that LEAs collect crime firearm trace data. ATF trace data captures information from manufacturer through distribution to the first retail purchase. All LEAs can request trace data from the ATF with free *eTrace* software or by fax.

Appendix A: Law Enforcement Agencies

Non-Responsive LEAs

1. Baltimore City School Police
2. Baltimore Environmental Police
3. Brentwood Police Department
4. Cottage City Police Department
5. District Heights Police Department
6. Edmonston Police Department
7. Landover Hills Police Department
8. Morgan State University Police Department
9. Rising Sun Police Department

Responding Agencies

1. Aberdeen Police Department
2. Allegany County Sheriff's Office
3. Annapolis Police Department
4. Anne Arundel Community College Public Safety & Police
5. Anne Arundel County Police Department
6. Anne Arundel County Sheriff's Office
7. Baltimore City Community College
8. Baltimore City Police Department
9. Baltimore County Police Department
10. Bel Air Police Department
11. Berlin Police Department
12. Berwyn Heights Police Department
13. Bladensburg Police Department
14. Boonsboro Police Department
15. Bowie Police Department
16. Bowie State University
17. Brunswick Police Department
18. Calvert County Sheriff's Office
19. Cambridge Police Department
20. Capitol Heights Police Department
21. Caroline County Sheriff's Office
22. Carroll County Sheriff's Office
23. Cecil County Sheriff's Office
24. Centreville Police Department
25. Charles County Sheriff's Office
26. Chestertown Police Department
27. Cheverly Police Department
28. Chevy Chase Village Police Department
29. Colmar Manor Police Department
30. Coppin State University of Police Department
31. Crisfield Police Department
32. Crofton Police Department
33. Cumberland Police Department
34. Delmar Police Department
35. Denton Police Department
36. Dorchester County Sheriff's Office
37. Easton Police Department
38. Elkton Police Department
39. Fairmount Heights Police Department
40. Federalsburg Police Department
41. Forest Heights Police Department
42. Frederick City Police Department
43. Frederick County Sheriff's Office
44. Frostburg City Police Department
45. Frostburg State University Police Department
46. Fruitland Police Department
47. Gaithersburg Police Department
48. Garrett County Sheriff's Office
49. Gibson Island Police Department

50. Glenarden Police Department
51. Greenbelt Police Department
52. Greensboro Police Department
53. Hagerstown Community College
54. Hagerstown Police Department
55. Hampstead Police Department
56. Hancock Police Department
57. Harford County Sheriff's Office
58. Havre de Grace Police Department
59. Howard County Police Department
60. Howard County Sheriff's Office
61. Hurlock Police Department
62. Hyattsville Police Department
63. Kent County Sheriff's Office
64. La Plata Police Department
65. Laurel Police Department
66. Manchester Police Department
67. Maryland Capitol Police Department
68. Maryland Natural Resources Police
69. Maryland State Police
70. Maryland Transit Administration
71. Maryland Transportation Auth. Police
72. Maryland-National Capital Park Police
- Montgomery County Division
73. Maryland-National Capital Park Police
- Prince George's County Division
74. Montgomery Co. Fire & Explosives Inv.
Sect.
75. Montgomery County Police
Department
76. Montgomery County Sheriff's Office
77. Morningside Police Department
78. Mount Airy Police Department
79. Mount Rainier Police Department
80. New Carrollton Police Department
81. North East Police Department
82. Oakland Police Department
83. Ocean City Police Department
84. Ocean Pines Police Department
85. Oxford Police Department
86. Perryville Police Department
87. Pocomoke City Police Department
88. Prince George's County Community
College Department of Public Safety
89. Prince George's County Police
Department
90. Prince George's County Sheriff's Office
91. Princess Anne Police Department
92. Queen Anne's County Sheriff's Office
93. Ridgely Police Department
94. Riverdale Park Police
95. Rock Hall Police Department
96. Rockville City Police Department
97. Saint Mary's County Sheriff's Office
98. Saint Michael's Police Department
99. Salisbury City Police Department
100. Salisbury University Police Department
101. Seat Pleasant Police Department
102. Smithsburg Police Department
103. Snow Hill Police Department
104. Somerset County Sheriff's Office
105. Sykesville Police Department
106. Takoma Park Police Department
107. Talbot County Sheriff's Office
108. Taneytown Police Department
109. Thurmont Police Department
110. Towson University Police Department
111. University of MD Baltimore County
Police Department
112. University of MD Baltimore Police
Department
113. University of MD College Park Police
114. University of MD Eastern Shore
Department of Public Safety
115. University Park Police Department
116. Upper Marlboro Police Department
117. Washington County Sheriff's Office
118. Washington Metropolitan Area Transit
Authority
119. Washington Suburban Sanitary
Commission
120. Westminster Police Department
121. Wicomico County Sheriff's Office
122. Worcester County Sheriff's Office

Excluded Agencies

1. Allegany County Bureau of Police
2. Annapolis Fire/Explosive Investigation Unit
3. Anne Arundel County Fire/Explosive Investigator
4. Anne Arundel Community College Justice Institute
5. Anne Arundel County Police Academy
6. Baltimore City Police Academy
7. Baltimore City Sheriff's Office
8. Baltimore County Police Academy
9. Baltimore County Sheriff's Office
10. Community College of Baltimore County
11. Comptroller of Maryland
12. Department of General Services
13. Department of Health and Mental Hygiene (DHMH) - Clifton T. Perkins Hospital Center
14. DHMH - Eastern Shore Hospital Center
15. DHMH - Holly Center
16. DHMH - Potomac Center
17. DHMH - Spring Grove Hospital Center
18. DHMH - Springfield Hospital Center
19. DHMH - Thomas B. Finan Center
20. Division of Rehabilitation Services Police
21. Division of Probation and Parole
22. Dorchester States Attorney's Office
23. Eastern Shore Criminal Justice Academy
24. Frederick City Police Academy
25. Frederick County Sheriff's Academy
26. Garrett County State's Attorney
27. Hagerstown City Fire Marshal
28. Harford County Sheriff's Academy
29. Howard County Police Academy
30. Lonaconing Police Department
31. Luke Police Department
32. Maryland Alcohol and Tobacco Commission Field Enforcement Division
33. Maryland Comptroller Field Enforcement
34. Maryland Department of Labor, Licensing & Regulations
35. Maryland Motor Vehicle Administration
36. Maryland Natural Resources Police Academy
37. Maryland State Fire Marshal
38. Maryland State Forest & Park Service
39. Maryland State Police Academy
40. Maryland Transportation Authority Academy
41. Maryland Wildlife and Heritage Service
42. Maryland-National Capital Park and Planning Commission
43. Maryland Department of Public Safety and Correctional Services Intelligence Investigative Division
44. MD Police & Correctional Training Commission PELT Academy
45. Montgomery County Police Academy
46. Port Deposit Police Department
47. Prince George's Co. Fire Investigator
48. Prince George's County Police Academy
49. Prince George's County Public Schools
50. Prince George's County State's Attorney
51. Prince George's Municipal Police Academy
52. Saint Mary's College of Maryland
53. Trappe Police Department
54. University of Baltimore Police Department
55. University of Maryland Police Academy
56. Worcester County Fire/Explosive Investigator
57. Worcester County State's Attorney

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**GOVERNOR'S OFFICE OF
CRIME PREVENTION, YOUTH,
AND VICTIM SERVICES**

Report on Crime Firearms Study

Senate Bill 622/Chapter 335, 2019

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March 2, 2021
MSAR #12198

2A Maryland SB 564 Attachment #2

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Introduction

Chapter 335 of 2019 (Senate Bill 622), *Governor's Office of Crime Control and Prevention - Crime Firearms - Study*, requires the Governor's Office of Crime Prevention, Youth, and Victim Services (previously known as the Governor's Office of Crime Control and Prevention¹) to study and compile information, provided by the Maryland Department of State Police, as it relates to crime firearms.² Specifically, the Act requires the Governor's Office of Crime Prevention, Youth, and Victim Services to:

- Study information regarding crime firearms in the State, including:
 - The number and types of crime firearms;
 - The sources of all crime firearms, including the importer, dealer, and first purchaser for all recovered crime firearms; and
 - The jurisdictions where crime firearms were recovered;
- Report the crimes committed with crime firearms by jurisdiction, including:
 - The number of charges and convictions for:
 - Crimes of violence;
 - Illegal transfers;
 - Illegal possession;
 - Illegal transportation; and
 - Straw purchases; and
 - The number and types of criminal charges associated with a crime firearm;
- Compile all available information and data regarding the source of crime firearms, including:
 - For out-of-state crime firearms:
 - The county, state, or city of origin; and
 - The location in the State where the crime firearm was recovered;
 - For in-State crime firearms:
 - The jurisdiction of origin; and
 - The location where the crime firearm was recovered;
 - Information on the top 10 dealers of crime firearms in the State, including:
 - Names;
 - Locations; and
 - The dates and outcomes of audits conducted by the Maryland State Police of the dealers; and

¹ Maryland General Assembly. (2020). [Chapter 11, Acts of 2020](#). In March 2020, the Governor's Office of Crime Control and Prevention was renamed the Governor's Office of Crime Prevention, Youth, and Victim Services.

² Maryland General Assembly. [Chapter 335 of 2019 \(Senate Bill 622\), Governor's Office of Crime Control and Prevention - Crime Firearms - Study](#).

- The 10 states where the most crime firearms recovered in the State originated, including a comparison of the other states' firearms laws regarding:
 - Licensing;
 - Background checks;
 - Waiting periods;
 - Straw purchases; and
 - Concealed carry laws;
- 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.

The Act also requires the Governor's Office of Crime Prevention, Youth, and Victim Services to report its findings to the Governor and the General Assembly by December 1, 2020.³

Crime Firearms Study

In accordance with Chapter 335 of 2019, this *Report on Crime Firearms Study* provides information on crime firearms that resulted in an arrest between October 1, 2019 and September 30, 2020, and based on the definitions below. It also identifies the location of the gun problem, and whether it is specific to Maryland or other states.

Definitions

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.⁴

Crime of violence, as defined in § 5-101 of the Public Safety Article, means (1) abduction; (2) arson in the first degree; (3) assault in the first or second degree; (4) burglary in the first, second, or third degree; (5) carjacking and armed carjacking; (6) escape in the first degree; (7) kidnapping; (8) voluntary manslaughter; (9) maiming; (10) mayhem; (11) murder in the first or second degree; (12) rape in the first or second degree; (13) robbery; (14) robbery with a dangerous weapon; (15) sexual offense in the first, second, or third degree; (16) home invasion; (17) an attempt to commit offenses (1) through (16); or (18) assault with the intent to commit offenses (1) through (16) or a crime punishable by imprisonment for more than one year.⁵

³ Ibid.

⁴ Department of Legislative Services. [Senate Bill 622 \(2019\) Governor's Office of Crime Control and Prevention - Crime Firearms - Study \(Fiscal and Policy Note\)](#).

⁵ Ibid.

This definition is cross-referenced in statutes pertaining to reckless endangerment, committing a crime in the presence of a minor, use of a handgun or antique firearm in the commission of a crime, use of an assault weapon or magazine in the commission of a felony or a crime of violence, and possession of a rifle or shotgun by a person previously convicted of specified offenses.⁶

Methodology

For the purpose of this *Report on Crime Firearms Study*, data was retrieved from three data sources, to include:

- Maryland Gun Center
- Bureau of Alcohol, Tobacco, Firearms, and Explosives
- Internet sources pertaining to gun legislation

Maryland Gun Center

In 2013, the Maryland Department of State Police created the Maryland Gun Center (Center) within its Criminal Enforcement Division to assist local law enforcement with “gun enforcement/gun violation reduction efforts.”⁷ Through its mission, the Center serves as a “24/7 statewide firearms enforcement center, making available the screening/vetting of every gun case in Maryland to ensure that offenders are systematically held accountable for the crimes and that any necessary follow-up is addressed in a consistent and disciplined manner.”⁸ In 2013, and with a staff of six, the Center received and responded to 2,828 calls and/or emails for service pertaining to gun-related incidents across the State.⁹ Since this time, the number of calls and/or emails for service have increased approximately 300%. In 2019, and with a staff of 10, the Center received and responded to over 10,500 calls and/or emails for service as it relates to gun incidents in the State. For 2020, the Center anticipates that they will receive and respond to nearly 11,500 calls and/or emails for services.

In 2019, and in response to the enacted Act (Chapter 335 of 2019), the Center developed a Microsoft Access database to capture the data elements required for the crime firearms study. Because the Act took effect October 1, 2019, the Center used the same date to begin the data

⁶ Ibid.

⁷ Governor's Office of Crime Control and Prevention. (2013). [Maryland's Comprehensive State Crime Control and Prevention Plan 2013 Annual Update](#).

⁸ Maryland Department of State Police. [Criminal Enforcement Division](#).

⁹ Governor's Office of Crime Control and Prevention. (2013). [Maryland's Comprehensive State Crime Control and Prevention Plan 2013 Annual Update](#). It is important to note that the Maryland Department of State Police serves as a partial point of contact for Maryland in which all handgun applications require a background check to be conducted by the Maryland Department of State Police; whereas, all long guns require a background check to be conducted by the Federal Bureau of Investigation. Although the Maryland Department of State Police serves as a partial point of contact agency, the Maryland Gun Center receives calls and/or emails for all gun-related matters.

collection process. It is important to note that data collected through the database is solely based on the data reported to the Center by law enforcement officers, and therefore may not represent all crime firearm data in the State because not all data is reported. In addition, some data may not be reported to the Center until the end of the case versus the beginning.

Specific to this study, the Governor’s Office of Crime Prevention, Youth, and Victim Services (Office) received information from the Center’s database to study crime firearms in the State, as it relates to:

- The number and types of crime firearms;
- The sources of all crime firearms, including the importer, dealer, and first purchaser for all recovered crime firearms;
- The jurisdictions where crime firearms were recovered;
- Information on crimes committed with crime firearms by jurisdiction;
- Information on in-State crime firearms;
- Information on the top 10 dealers of crime firearms in the State; and
- Information regarding whether the individuals found in possession of crime firearms were previously prohibited from possessing a firearm.

Specifically, the Office received information regarding crime firearms that resulted in an arrest between October 1, 2019 and September 30, 2020. It is important to note that the information was only available on firearms registered in Maryland, and were primarily for handguns because the Maryland Department of State Police serves as a partial point of contact for the State.¹⁰

Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Office gathered information from the Bureau of Alcohol, Tobacco, Firearms, and Explosives’ (ATF’s) website that was not available through the Center’s database.¹¹ Through its mission, the ATF provides firearms trace data to local, state, federal, and foreign law enforcement agencies that request firearms tracing for investigative purposes; and prepares state-by-state reports to provide the “public with insight into firearms recoveries.”¹² The Office used information from the [Data Source: Firearms Tracing Systems - Maryland \(January 1, 2019 - December 31, 2019\)](#), which represents the most recent report prepared by the ATF on behalf of Maryland.¹³ Specifically, information was pulled from this report as it relates to:

¹⁰ The Maryland Department of State Police is the designated agency to conduct all background checks on handguns and handgun permits; whereas, the Federal Bureau of Investigation conducts all background checks for long guns.

¹¹ Bureau of Alcohol, Tobacco, Firearms and Explosives. [Firearms Trace Data - 2019](#).

¹² Ibid.

¹³ Bureau of Alcohol, Tobacco, Firearms and Explosives. [Data Source: Firearms Tracing Systems - Maryland](#). The ATF extracted data from the Firearms Tracing System (FTS) on April 10, 2020. It is important to note that the prepared report captures calendar year data, only.

- Information on out-of-State crime firearms; and
- Information on the length of time between the origination and recovery of a crime firearm.

Internet Sources Pertaining to Gun Legislation

The Office also gathered information from [The National Rifle Association: Institute for Legislative Action](#), the [Giffords Law Center](#), and the [Guns to Carry](#) websites. Specifically, information was pulled from these websites as it relates to:

- The 10 states where the most crime firearms recovered in the State originated, including a comparison of the other states' firearms laws regarding: licensing; background checks; waiting periods; straw purchases; and concealed carry laws.

Findings

Crimes Committed with Crime Firearms by Jurisdiction

Between October 1, 2019 and September 30, 2020, and based on the Center's database, there were a total of 2,772 gun crime cases in Maryland (*as illustrated on the following page*). From this total, 61.8% of the cases occurred in Baltimore City (n = 925) and Prince George's County (n = 787). An additional 20.4% of the gun crime cases occurred in Baltimore County (n = 194), Anne Arundel County (n = 173), Worcester County (n = 76), Wicomico County (n = 62), and Washington County (n = 60). The remaining 17.8% (n = 495) occurred in other parts of the State.

Gun Crime Cases by County (October 1, 2019 - September 30, 2020)	
Allegany	38
Anne Arundel	173
Baltimore	194
Baltimore City	925
Calvert	24
Caroline	18
Carroll	13
Cecil	42
Charles	45
Dorchester	12
Frederick	45
Garrett	16
Harford	48
Howard	42
Kent	11
Montgomery	47
Prince George's	787
Queen Anne's	37
Somerset	13
St. Mary's	29
Talbot	15
Washington	60
Wicomico	62
Worcester	76
Total	2,772

Number of Charges and Convictions

Of the 2,772 gun crime cases, there were a total of 1,722 charges (*as illustrated on the following page*).¹⁴ The breakdown of these charges consisted of the following outcomes: prosecuted (guilty or not guilty verdict), not prosecuted (dismissed, nolle prosequi, or stet), probation before judgement (PBJ), adjudicated, or pending.

¹⁴ It is important to note that some judges and/or commissioners may request the release of the charged individual due to limited or no probable cause.

Outcome of Gun Crime Cases Associated with a Crime Firearm (October 1, 2019 - September 30, 2020)	
Charging Outcome	Total
Guilty	46
Dismissed	8
Nolle Prosequi	302
Not Guilty	6
Probation Before Judgement	4
Adjudicated Delinquent	2
Pending	1,314
Stet	40

Due to the COVID-19 pandemic, there are many charges that may still be pending due to the temporary suspension of court cases. It is important to note that information pertaining to charges is based solely on the charging recommendations made by the Center, and therefore is not based on all handgun cases. In addition, the recommendations made occurred only for those cases that were called into the Center.

Number and Types of Criminal Charges Associated with a Crime Firearm

Of the 1,722 criminal charges, nearly 87% (n = 1,498) of the criminal charges were for some type of an illegal possession offense, 8.7% (n = 149) were for the use of a firearms in conjunction with any crime of violence, and 3.8% (n = 66) were for straw purchase related offense.

Criminal Charges Associated with a Crime Firearm (October 1, 2019 - September 30, 2020)									
Row Labels	Guilty	Dismissed	Nolle Prosequi	Not Guilty	PBJ	Adjudicated Delinquent	Pending	Stet	Total Charges
CDS							3		3
Crime of Violence	1		23				123	2	149
Illegal Possession	45	7	259	6	3	2	1,141	35	1,498
Illegal Transfer/StrawPurchase		1	16				46	3	66
Illegal Transportation			4		1		1		6
Total	46	8	302	6	4	2	1,314	40	1,722

Available Information and Data Regarding the Source of Crime Firearms

Based on the [Data Source: Firearms Tracing Systems - Maryland \(January 1, 2019 - December 31, 2019\)](#), which represents the most recent report prepared by the ATF on behalf of Maryland, 9,465 firearms were recovered and traced in 2019.¹⁵

¹⁵ Bureau of Alcohol, Tobacco, Firearms and Explosives. [Data Source: Firearms Tracing Systems - Maryland](#).

Out-of-State Crime Firearms

The report also identified the states where the most crime firearms recovered in the State originated to include Maryland, Virginia, Pennsylvania, North Carolina, Georgia, West Virginia, South Carolina, Florida, Delaware, Texas, and more (*as illustrated below*).¹⁶ It is important to note that an “additional 35 states, the District of Columbia and Puerto Rico accounted for 456 other traces.”¹⁷ In total, the “source state was identified in 6,543 total traces.”¹⁸ This indicates that the source state could not be identified in the remaining 2,922 traces.

Top 15 Source States for Firearms with a Maryland Recovery (January 1, 2019 - December 31, 2019)	
Source States	Number of Firearms
Maryland	3,018
Virginia	1,054
Pennsylvania	380
North Carolina	262
Georgia	253
West Virginia	247
South Carolina	149
Florida	139
Delaware	125
Texas	110
Ohio	109
Kentucky	75
Alabama	64
Tennessee	52
California	50

In addition, the report identified the top recovery cities for firearms with a Maryland recovery to include Baltimore, Pasadena, Hagerstown, Frederick, Silver Spring, Hyattsville, Waldorf, Elkton, Glen Burnie, and Capitol Heights (*as illustrated on the following page*).¹⁹ It is important to note that there were “288 additional municipalities that accounted for 4,914 other traces” and the “recovery city could not be determined for 10 traces.”²⁰ This indicates that, of the 9,465 recovered firearms in Maryland, nearly 48% (n = 4,541) were recovered in these ten cities.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

**Top Recovery Cities for Firearms with a Maryland Recovery
(January 1, 2019 - December 31, 2019)**

Recovery Cities	Number of Firearms
Baltimore	2,490
Pasadena	320
Hagerstown	305
Frederick	286
Silver Spring	238
Hyattsville	211
Waldorf	194
Elkton	178
Glen Burnie	172
Capitol Heights	147

In-State Crime Firearms

Based on the Center’s database, there were a total of 169 in-State crime firearms recovered from 17 jurisdictions of origin (*as illustrated below*). From this total, nearly 40% (n = 67) of the crime firearms were recovered in Baltimore City of which 41.8% (n = 28) originated in Baltimore City. An additional 24% (n = 41) of the total in-State crime firearms were recovered from Prince George’s County of which 70.7% (n = 29) originated in Prince George’s County.

County of Purchaser's Residence	Number of Firearms																
	Anne Arundel	Baltimore County	Baltimore City	Calvert	Caroline	Cecil	Charles	Dorchester	Frederick	Harford	Montgomery	Prince George's	St. Mary's	Talbot	Washington	Wicomico	Worcester
Allegany			1														
Anne Arundel	10	2	7					1				1				1	
Baltimore County	2	3	17					1		1	2						
Baltimore City	2	4	28						2	1	1						
Calvert	1			4													
Caroline			1		1												
Carroll		1	3									1					
Cecil			1			1											
Charles		1		1			2					3					
Dorchester																	
Frederick								2									
Harford	2		1						3								
Howard			4									2					
Montgomery												2					1
Prince George's	1		3			1				1	29						
St. Mary's			1										3				
Talbot														1			
Washington															1		
Wicomico							1			1						2	
Worcester																	

Top 10 Dealers of Crime Firearms in the State

The Center also identified the top ten gun crime firearm dealers that collectively accounted for 73 firearms (*as illustrated on the following page*). The location of these dealers include, but are not limited to, the following cities: District Heights, Middle River, Upper Marlboro, Halethorpe, Essex, Parkville, Waldorf, Rockville, and Hanover.

Gun Crime Firearm Dealers Top Ten		
Number of Firearms	Dealer Name	Location
13	Realco Guns	District Heights
9	FreeState Gun Range	Middle River
9	Maryland Small Arms Range, Inc.	Upper Marlboro
8	Tyler Firearms, LLC.	Halethorpe
7	Gun Shop	Essex
6	Historic File	Unknown
6	Valley Gun Shop	Parkville
6	Fred's Outdoors	Waldorf
5	United Gun Shop	Rockville
4	Bass Pro Outdoor World, LLC	Hanover

The Maryland Department of State Police conducted an audit on the identified gun crime firearm dealers which primarily resulted in the following known outcomes:

Audits Conducted on Gun Crime Firearm Dealers*		
Audit Date	Dealer Name	Outcome
6/5/2019	Realco Guns	No discrepancies
9/2/2020	FreeState Gun Range	No discrepancies
6/25/2019	Maryland Small Arms Range, Inc.	No discrepancies
8/27/2020	Tyler Firearms, LLC.	No discrepancies
8/13/2019	Gun Shop	No discrepancies
-	Historic File	-
-	Valley Gun Shop	Please see note below
8/25/2020	Fred's Outdoors	No discrepancies
-	United Gun Shop	Please see note below
8/19/2019	Bass Pro Outdoor World, LLC	No discrepancies

*The Tyler Firearms, LLC. was previously audited on August 27, 2018, which reflected one 77R application with an incorrect model and serial number of the regulated firearm; and a second firearm of a multi-purchase was not entered into MAFSS due to a civilian Maryland Department of State Police employee error. In 2004, the ATF revoked the Valley Gun Shop's Federal Firearms License. The United Gun Shop is a new dealer, as of April 25, 2019, and therefore the first inspection is not due until April 2021. Please note that the symbol (-) indicates that no information was available.

Comparison of Firearms Laws in Originating States of Most Crime Firearms Recovered

Based on the report that was prepared for Maryland, the ATF identified the top 10 states where the most crime firearms recovered in the State had originated from, to include: Maryland, Virginia, Pennsylvania, North Carolina, Georgia, West Virginia, South Carolina, Florida,

Delaware, and Texas.²¹ Using this list, a comparison of the states' firearms laws was conducted to identify similarities and differences regarding: licensing, background checks, waiting periods, straw purchases, and concealed carry laws (*as illustrated below*).

Comparison of Firearms Laws*					
State	Licensing	Background Checks on Private Gun Sales Required	Waiting Periods	Straw Purchases	Concealed Carry Laws
Maryland	Permit to purchase	Yes for handguns; partial for long guns	7 days for handguns	State law prevents transfers to traffickers; state law penalizes the actual buyer in a straw purchase; state law aids enforcement agencies in anti-trafficking efforts	Restrictively-administered discretionary-issue carry permit systems
Virginia	-	No for handguns; no for long guns	-	State law prevents transfers to traffickers; state law prohibits individuals from knowingly encouraging sellers to conduct an illegal firearm transfer; state law penalizes the actual buyer in a straw purchase; state law prohibits individuals from providing false information in a firearms transfer; state law requires the tracing of crime guns	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
Pennsylvania	-	Yes for handguns; no for long guns	-	State law prevents transfers to traffickers; state law prohibits individuals from providing false information in a firearms transfer; state law requires the tracing of crime guns	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
North Carolina	Permit to purchase	Yes for handguns; no for long guns	-	-	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
Georgia	-	No for handguns; no for long guns	-	State law prohibits individuals from knowingly encouraging sellers to conduct an illegal firearm transfer	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
West Virginia	-	No for handguns; no for long guns	-	State law prohibits individuals from knowingly encouraging sellers to conduct an illegal firearm transfer; state law penalizes the actual buyer in a straw purchase	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants; allow concealed carry without a permit
South Carolina	-	No for handguns; no for long guns	-	-	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
Florida	-	No for handguns; no for long guns	3+ days for all firearms	-	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
Delaware	-	Yes for handguns; yes for long guns	-	State law prohibits individuals from providing false information in a firearms transfer; state law requires the tracing of crime guns	Restrictively-administered discretionary-issue carry permit systems
Texas	-	No for handguns; no for long guns	-	-	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants

*Resources include: Giffords Law Center on licensing;²² Guns to Carry on background checks on private gun sales;²³ Giffords Law Center on waiting periods for Maryland and Florida, only;²⁴ Giffords Law Center on straw purchases;²⁵ and The National Rifle Association of America on right to carry laws.²⁶ Please note that the symbol (-) indicates that no information was available.

According to the [Giffords Law Center](#), state licensing laws fall into four categories: “(1) permits to purchase firearms, (2) licenses to own firearms, (3) firearm safety certificates, which indicate

²¹ Ibid.

²² Giffords Law Center. (2020). [Licensing](#).

²³ Guns to Carry. (2020). [Gun Laws by State: The Complete Guide](#).

²⁴ Giffords Law Center. (2020). [Waiting Periods](#).

²⁵ Giffords Law Center. (2020). [Trafficking & Straw Purchasing](#). It is important to note that the general summary of each state's law was included in the table to illustrate a comparison.

²⁶ National Rifle Association of America: Institute for Legislative Action. (2020). [Concealed Carry | Right-to-Carry](#).

that the certificate-holder has completed required safety training and is licensed to purchase a firearm, and (4) registration laws that impose licensing requirements.”²⁷

According to [Guns to Carry](#), background checks are “required by federal law on all persons purchasing a firearm from a licensed dealer.”²⁸ To facilitate these checks, the Federal Bureau of Investigation (FBI) “maintains a database where all requests are processed through” the National Instant Criminal Background Check System (NICS).²⁹ Four of the 10 states require background checks for the purchase of handguns and long guns; whereas, the remaining six do not.

In addition, the [Giffords Law Center](#) indicated that there is “no federal waiting period.”³⁰ Under NICS, “a dealer may transfer a firearm to a prospective purchaser as soon as he or she passes a background check.”³¹ If, however, the “FBI is unable to complete the background check within three business days, the dealer may complete the transfer by default.”³² Limited information was available on these 10 states regarding legislation on waiting periods.

The [Giffords Law Center](#) defines a straw purchaser as someone who buys a firearm from a licensed dealer on behalf of another person.³³ Based on research, and when found, most of the 10 states have some law that makes straw purchasing illegal.

According to [The National Rifle Association: Institute for Legislative Action](#), “Right-to-Carry (RTC) laws recognize the right to carry concealed handguns when away from home without a permit, or with a permit issued by a state to an applicant who meets requirements established by the state legislature.”³⁴ In eight of the 10 states, the law allows “shall issue” permits - requiring that concealed carry permits be issued to qualified applicants without any discretion to deny the application.

Length of Time Between the Origination and Recovery of a Crime Firearm

In 2019, and based on the report that was prepared for Maryland, the length of time between the origination and recovery of a crime firearm (also known as Time-to-Crime) ranged from less than three months (n = 237) to three years and over (n = 4,600) (*as illustrated on the following*

²⁷ Giffords Law Center. (2020). [Licensing](#).

²⁸ Guns to Carry. (2020). [Gun Laws by State: The Complete Guide](#).

²⁹ Ibid.

³⁰ Giffords Law Center. (2020). [Waiting Periods](#).

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ The National Rifle Association of America: Institute for Legislative Action. (2020). [Concealed Carry | Right-to-Carry](#).

page).³⁵ In addition, Maryland’s average time-to-crime in 2019 consisted of 11.41 years, compared to the national average of 8.29 years.³⁶

Time-To-Crime Rates for Firearms with a Maryland Recovery (January 1, 2019 - December 31, 2019)	
Time-To-Crime Categories	Number of Firearms
Under 3 Months	237
3 Months to Under 7 Months	230
7 Months to Under 1 Year	280
1 Year to Under 2 Years	574
2 Years to Under 3 Years	556
3 Years and Over	4,600

Individuals Found in Possession Were Previously Prohibited

Between October 1, 2019 and September 30, 2020, and of the 2,772 gun crime cases identified by the Center, 2,188 prohibited persons were found to be in possession of crime firearms (*as illustrated on the following page*).³⁷ The 2,188 prohibited persons were determined to be prohibited by the Maryland Department of State Police, based on the information provided by law enforcement officers who called into the Center, and the following three criteria:

- Illegal transfers
- Illegal possession
- Illegal transportation

³⁵ Bureau of Alcohol, Tobacco, Firearms and Explosives. [Data Source: Firearms Tracing Systems - Maryland](#). “Time-to-Crime was calculated for those traces in which the purchase date could be subtracted from the recovery date.”

³⁶ Ibid.

³⁷ It is important to note that there can be multiple suspects per case.

Prohibited Persons by County of Incident (October 1, 2019 - September 30, 2020)	
Allegany	18
Anne Arundel	108
Baltimore	183
Baltimore City	841
Calvert	17
Caroline	10
Carroll	9
Cecil	30
Charles	36
Dorchester	6
Frederick	28
Garrett	3
Harford	51
Howard	45
Kent	8
Montgomery	41
Not Applicable	1
Prince George's	555
Queen Anne's	9
Somerset	5
St. Mary's	23
Talbot	9
Washington	50
Wicomico	58
Worcester	44
Total	2,188

Major Findings

Based on the results of this *Report on Crime Firearms Study*, the Office identified the following major findings:

- 61.8% of gun crime cases occurred in Baltimore City and Prince George's County.
- Over 76% of gun case charges, that were recommended by the Center, are still pending.
- The most common charge associated with crime firearm cases is illegal possession.
- Over half of all recovered crime firearms, identified by the ATF, originated out-of-state.

- Over 53% of in-State crime firearms were recovered from the purchaser’s county of residence.
- There is variation in the 10 states as it relates to legislation.
- Maryland’s average time-to-crime was 11.41 years, compared to the national average of 8.29 years.
- The majority of all crime firearms were committed by individuals who were prohibited from owning a firearm.

Recommendations

Based on the findings of this *Report on Crime Firearms Study*, the Office identified the following recommendations:

- Provide additional support for the Maryland Gun Center to include increasing staffing levels.
- Establish a statewide database for the tracking of all crime firearms.
- Require law enforcement agencies to report information on any gun-related crime to the Maryland Gun Center.
- Enact legislation that mandates a “one stop shop” for the screening and vetting of gun cases in Maryland to ensure that offenders are systematically held accountable.

Provide Additional Support for the Maryland Gun Center

Given the ongoing and increasing need for immediate guidance and assistance to systematically address every crime firearm incident across the State, additional resources are needed to ensure that each case is completely vetted, thoroughly investigated, and aggressively prosecuted. Since the inception of the Center, the number of calls and/or emails for service have increased by nearly 300% (from 2,828 in 2013 to over 10,500 in 2019); whereas, the resources for staff have only increased by 67% (from six staff in 2013 to 10 staff in 2019). In order for the Center to serve as a “one stop shop” for street-level law enforcement officers, law enforcement agencies, state’s attorney’s offices, and policy makers, additional staff are necessary to provide expertise in, but not limited to, the following areas:

- Prohibitors under state law (n = 13) and federal law (n = 9)
- Specific case histories of persons involved crime firearm cases
- Insight on how persons retrieved the crime firearm
- Charging recommendations
- Analytical component for law enforcement and community safety

Establish a Statewide Database for the Tracking of All Crime Firearms

In addition, and based on the resources available, the Center developed a Microsoft Access database to capture the data elements required by Chapter 335 of 2019, and for the purpose of this *Report on Crime Firearms Study*. In an effort to standardize the collection of crime firearm data to produce measurable metrics and fulfill data requests, it is recommended that funding be provided to the Center to build a SQL Server or reporting component within the Maryland Department of State Police's licensing portal for all crime firearm data, and to replace the current Microsoft Access database. The SQL Server could be incorporated within the Maryland Department of State Police's licensing portal to standardize the collection of data on crime firearms. In doing this, and with the necessary staffing resources, the Center will be able to provide analyses of the crime firearms data which would serve as a critical component. This would also allow the Center to provide statistics and other reporting capabilities in real-time.

Require Law Enforcement Agencies to Report Information on Any Gun-Related Crime to the Maryland Gun Center

The Microsoft Access database, which was created for the purpose of this study, is solely based on the data reported to the Center by law enforcement officers, and therefore may not represent all crime firearm data in the State because not all data is reported. In an effort to improve the reporting of data, and streamline the collection of gun-related incidents in Maryland, it is recommended that all Maryland law enforcement agencies report information on gun-related crimes to the Center. Improving the data reporting process, and providing the necessary resources for staff and technologies, will provide the Center with the assets needed to produce actionable intelligence to ultimately hold offenders accountable. This, in turn, will allow the data to be used to develop policy.

Enact Legislation that Mandates a “One Stop Shop” for the Screening and Vetting of Gun Cases in Maryland to Ensure that Offenders are Systematically Held Accountable

Under the administration of the Maryland Department of State Police, which serves as the regulatory authority for all handgun purchases and permits, the Center provides knowledge and expertise to local law enforcement as it relates to: (1) determining whether a person is prohibited from possessing firearms, (2) recommending specific firearm related charges to ensure that a suspect is appropriately charged and the information is provided in real-time, and (3) providing assistance with other gun enforcement/gun violation reduction efforts. Given this role, and in an effort to address every gun incident across the State to ensure that each case is completely vetted, thoroughly investigated, and aggressively prosecuted, it is recommended that legislation be enacted to designate the Center as Maryland's “one stop shop” for the screening and vetting of

gun cases in Maryland to ensure that offenders are systematically held accountable.³⁸ In doing this, the Center will continue, and expand upon current efforts, to provide assistance and guidance to local law enforcement, as well as analytics from one reliable source for the entire State of Maryland. By designating the Center as Maryland’s “one stop shop,” offenders will be held accountable for their actions which will ensure a safer Maryland for all those who reside within its State.

Conclusion

Pursuant to Chapter 335 of 2019, this *Report on Crime Firearms Study* provides information on crime firearms that resulted in an arrest between October 1, 2019 and September 30, 2020. It also identifies major findings that resulted from the study, and makes recommendations to designate the Maryland Gun Center as a “one stop shop” for the screening and vetting of all gun cases to ensure that offenders are systematically held accountable.

³⁸ Governor's Office of Crime Control and Prevention. (2013). [*Maryland's Comprehensive State Crime Control and Prevention Plan 2013 Annual Update*](#).

SB564TheftofHandgun.pdf

Uploaded by: Justin Ready

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 2, 2023

SB 564 Criminal Law - Theft of a Handgun

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee, Senate Bill 564 would classify the theft of a handgun as a felony offense. The first conviction would impose an additional 5-year imprisonment with a minimum of 2 years, and/or \$1,000 fine. The second conviction would impose an additional 10-year imprisonment with a minimum of 5 years and/or up to \$2,500 fine.

Under current law, Maryland classifies any firearm with a barrel length of 16 inches or shorter as a handgun. Theft of a firearm is subject to general theft statute, which imposes penalties based on the value of the stolen property. Therefore, a first offender handgun theft who steals a \$600 handgun would receive a misdemeanor charge, with a maximum 6-months in jail and/or a \$500 fine. A second or subsequent conviction is only a possible 1-year imprisonment and/or a \$500 fine. SB 564 imposes penalties that are far more fitting to stealing a handgun and will do more to deter citizens from doing so.

According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 56% of firearm traces in 2020 were pistols/handguns. Additionally, over 1,100 of the traced firearms in 2020 were in the possession of individuals 21 years of age or younger. Around 240 of these firearms were in the possession of 17-year-olds and younger. While not every firearm traced by the ATF was previously used in a violent crime, these traces are requested by local law enforcement agencies for the purpose of investigating the sale, transfers, and possession of specific firearms.

From this information from 2020 alone, the use of a handgun to commit violent crime in Maryland is very common. Current law does not impose serious enough penalties to deter people from stealing a handgun or using a handgun that you knowingly purchased from someone who stole it. We need to get illegal guns off the streets of Maryland and reduce the violent crimes they are used to commit.

I respectfully request a favorable report on Senate Bill 564.

SB0564.pdf

Uploaded by: Karla Mooney

Position: FAV

SB 0564 Criminal Law- Theft of a Handgun

Karla Mooney

21175 Marigold Street

Leonardtown, MD 20650

District 29C

I am the State Director of the DC Project Women for Gun Rights, State Leader of the Armed Women of America (AWA) and a Maryland Shall Issue Volunteer. I represent women from all over the state – many more than just myself.

Thank you Senator Ready for bringing this bill up once again to be put in to law. We need this type of consequence in Maryland. All too often there are criminals who steal firearms who have a small fine and immediate release only to go out and steal again. This is no consequence for the crime committed- a crime that could easily turn a simple robbery into a loss of life if the stolen firearm is used.

When I was a kid my Grandmother made me go get my own switch when I did something wrong- and not a whimpy one! That was consequence for a child. It made me realize that if I did something that was wrong it was going to hurt! Corporal punishment in its own right- so why do we do something so minor to someone who has taken a firearm from a law abiding citizen? Again a firearm (a weapon that could be used as deadly force) not just property worth less than \$1500.

Please consider this bill as an increase to law-abiding citizens safety as it will remove criminals from the streets who knowingly possess and use stolen firearms to commit violent crimes.

Please find a favorable report on SB 0564

Katie_Novotny_FAV_SB564.pdf

Uploaded by: Katie Novotny

Position: FAV

WRITTEN TESTIMONY OF KATIE NOVOTNY IN SUPPORT OF SB564

March 2, 2023

I am a law abiding gun owner, advocate for the right to self-defense, certified range safety officer, and a competitor in firearms competition. I oppose HB580.

Under current law, the theft of a handgun or any firearm is treated as simple theft, generally in the \$100-\$1,500 category. The penalty for this is only up to 6 months imprisonment and/or a fine of \$500 for a first offense, and up to 1 year and/or \$500 fine for second or subsequent convictions. Therefore, stealing a firearm does not make a person a prohibited person for future lawful firearms purchases. I think that most would agree that stealing a firearm should prohibit a person from lawfully purchasing a firearm in the future. It takes four CONVICTIONS in this category before the penalty is enough to make a person prohibited. First and second offenses are often not even prosecuted. Misdemeanors with small penalties are often not pursued by prosecutors. Instead, the guns are displayed proudly on the department's social media accounts as a "look what we got off the streets", with virtually no penalties for the thief.

I believe it is common sense that the theft of a firearm should be a separate crime than theft of property or services. Any theft is bad, but theft of a handgun, or any firearm is especially egregious. The only reason anyone would steal a firearm would be for nefarious purposes. The punishment must match the seriousness of the crime. With the current state of affairs with murders by handguns in this state, an increased penalty is in order.

The bottom line is that laws for stealing firearms must have teeth, and they must be prosecuted. People who steal firearms MUST be held responsible and MUST be punished more harshly than an otherwise law abiding citizen who innocently runs afoul of one of the myriad of gun laws in this state.

Because of these reasons above, I request a favorable report.

Respectfully,

Katie Novotny

District 35A

Katie.novotny@hotmail.com

443-617-7568

MSI Testimony on SB 564 theft of handgun final.pdf

Uploaded by: Mark Pennak

Position: FAV



March 2, 2023

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 564

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in SUPPORT of SB 564.

The Bill

The purpose of this bill is to provide for greatly enhanced penalties for the theft of a handgun. Under current law, theft of any firearm is treated just like the theft of any other piece of personal property. For example, under MD Code Criminal Law § 7-104(g)(2), “a person convicted of theft of property or services with a value of at least \$100 but less than \$1,500, is guilty of a misdemeanor and: (i) is subject to: 1. for a first conviction, imprisonment not exceeding 6 months or a fine not exceeding \$500 or both; and 2. for a second or subsequent conviction, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both. The bill would change these penalties for theft of a firearm to a felony and would impose, on the first offense, a term of imprisonment not exceeding 5 years and/or a fine of \$1,000. Subsequent offenses are punishable by imprisonment for a term not less than 5 years and not exceeding 10 years and/or a fine not exceeding \$2,500. These punishments are similar to the provisions enacted in 2020 by the Senate in SB 35 which likewise made theft of a firearm a felony and punished such theft with imprisonment for up to 5 years and a fine of \$10,000. SB 35 further required the thief to restore the firearm to the owner or pay the owner the value of the firearm. That compensation requirement is not in this Bill but could be amended to add it.

The Bill Is Necessary For the Public Safety:

Simply put, it is unbelievable that theft of a firearm is punishable so lightly under current law. The value of most firearms, including most handguns, falls into the range of between \$100 and \$1,500 and thus theft of such firearms is currently punished **at most** by 6 months in prison and/or a small fine. In reality, persons convicted of such a crime don’t see any jail time at all, as the Maryland Sentencing Guidelines classify this property crime as the least

serious offense listed in the Guidelines and one that is actually punished by mere probation. See <http://www.msccsp.org/Guidelines/Matrices.aspx#property>. Since this offense is currently a misdemeanor and is not punishable by imprisonment by more than two years, a conviction for this crime is not even sufficient to render the person a disqualified person under federal and state law. See 18 U.S.C. 921(a)(20)(B), Public Safety, § 5-101(g)(3). In contrast, by changing the offense to a felony, this bill would render a person convicted of this crime a disqualified person under federal and state law and thus may not possess modern firearms or modern ammunition for life. See 18 U.S.C. § 922(g)(1), MD Code, Public Safety, § 5-101(g)(2). Give the severe public safety consequences associated with stolen firearms, that result is fully appropriate.

Subsequent possession of any modern firearm or ammunition by a person subject to this firearms disability is punishable by up to 10 years of imprisonment under federal law. See 18 U.S.C. § 924(a)(2). Maryland law likewise bans possession of a regulated firearm (handgun or assault weapon) by a disqualified person. MD Code, Public Safety, § 5-133(b)(1). Possession of a regulated firearm by such a disqualified person is punishable with up to 5 years of imprisonment and/or a fine of \$10,000 under MD Code, Public Safety, § 5-144(b). By contrast, under Maryland law, possession of a regulated firearm by a felon previously convicted of a **crime of violence** is punished more severely; such possession is “subject to imprisonment for **not less** than 5 years and not exceeding 15 years.” MD Code, Public Safety, § 5-133(c)(2). Similarly, simple possession of a rifle or a shotgun by any disqualified person is punishable by imprisonment of 3 years and/or a fine of \$1,000. See MD Code, Public Safety, § 5-205(d).

There is simply no incentive to actually prosecute this theft crime under current law and thus actual prosecution to conviction is very rare. Compare this non-punishment for the thief to the \$500 fine imposed on **the victim** of gun theft for a mere failure to **report** a theft of a firearm within 72 hours. See MD Code, Public Safety, § 5-146. A second offense of a failure to report is punished even more severely, with 90 days of imprisonment and/or a \$500 fine. It should be obvious that a thief is more culpable than the victim. Yet, what is the point of reporting the theft if nothing happens to the thief? Indeed, because this theft crime is punished so lightly under current law, the convicted thief **remains free to legally buy and legally possess a firearm, including a handgun.**

Stealing a firearm is a serious threat to the community and, as such, well deserving of actual punishment. The federal BATF has found that stolen firearms are a “threat to community safety as well as law enforcement,” and that “stolen firearms are crime guns; they fuel illicit trafficking and are used by violent criminals to terrorize our communities.” <https://www.foxnews.com/us/where-do-criminals-get-guns>. See also David J. Cherrington, *Crime and Punishment: Does Punishment Work?* at 4 (2007) (“Studies of punishment have shown that individuals who have observed others being punished change their behavior almost as much as those who were actually punished.”), available at <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1953&context=facpub>.

Indeed, the non-punishment accorded to the thief is particularly striking in light of the **severe penalties** that Maryland metes out to otherwise law-abiding citizens of Maryland who inadvertently happen to run afoul of one of the many criminal provisions of Maryland’s firearms law. For example, a new resident of Maryland who neglected to register his or her regulated firearm within 90 days of becoming a Maryland resident, as required by MD Code,

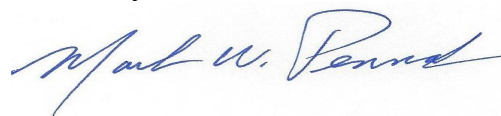
Public Safety, § 5-143, risks imprisonment for **5 years** and/or a \$10,000 fine under MD Code, Public Safety, § 5-144(b). A law-abiding person who merely “receives” a handgun in Maryland without possessing a Handgun Qualification License issued under by MD Code, Public Safety, § 5-117.1, likewise risks **5 years** imprisonment and/or a fine under Section 5-144.

An otherwise innocent “transport” or possession in Maryland of a so-called “assault weapon” banned by MD Code Criminal Law § 4-303, is punishable by up to **3 years** imprisonment and/or a fine of \$5,000 under MD Code Criminal Law §4-306, regardless of whether the person, including a non-resident traveling through the State, even knew of the prohibition. Under MD Code Criminal Law § 4-203, a person is “subject to imprisonment **for not less than 30 days and not exceeding 3 years** or a fine of not less than \$250 and not exceeding \$2,500 or both” for as little as leaving an unloaded handgun in the car’s trunk while doing grocery shopping on the way home from the range. No *mens rea* showing is required for any of these “crimes.”

And severe punishment is not restricted to firearms. Absentmindedly taking a penknife (e.g., a Swiss Army knife) anywhere onto school “property” is a violation of MD Code Criminal Law §4-102, and that crime is punishable by imprisonment not exceeding **3 years** or a fine not exceeding \$1,000 or both, regardless of scienter. Under MD Code Criminal Law, § 4-101(c)(1),(d), merely carrying **pepper mace** in one’s pocket can be punished by **3 years** of imprisonment and/or a \$1,000 fine. Again, no *mens rea* required.

Maryland should not be punishing mistakes by otherwise innocent persons so severely while letting actual **thieves of firearms** off the hook with the proverbial “slap on the wrist.” After all, thieves actually know that stealing is criminal. Nothing good can come from stealing a firearm. In 2020, this Committee favorably reported on the comprehensive provisions of SB 35 by a vote of 10-1 with only Senator Carter casting a nay vote. We urge a unanimous favorable report on this stand-alone bill.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

SB 0564.pdf

Uploaded by: Ryan Coleman

Position: FAV

P.O. Box 731 Randallstown, MD 21133

The Randallstown NAACP Supports SB 0564-Theft of a Handgun.

**March 1, 2023
Immediate Release**

Contact: Ryan Coleman, President
randallstownnaacp@gmail.com

Randallstown -MD Gun thefts occur in staggering numbers. Hundreds of thousands of guns are stolen every year, taken from houses, vehicles, and stores. Gun thefts often divert guns into an underground market where people with dangerous histories are easily able to obtain firearms without restriction. That is why stolen guns are often recovered at crime scenes, including at the scenes of homicides and other violent crimes. Policymakers can pass laws that can help prevent gun thefts and can also work with gun owners and dealers to help ensure that their guns do not end up in the hands of people who should not have them. **Please support SB 0564 and please advocate for the ATF and Maryland State Police to do more to disrupt the flow of illegal guns into Maryland.**

SB0564 Favorable with Amendment.pdf

Uploaded by: Suzanne Duffy

Position: FWA

SB0564 Senator Ready~Criminal Law - Theft of a Handgun
Favorable but with this amendment: (H) (1) A person INCLUDING A
GOVERNMENT EMPLOYEE REGARDLESS OF POSITION...

sb564.pdf

Uploaded by: Matthew Pipkin

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 564
Criminal Law – Theft of a Handgun
DATE: February 28, 2023
(3/2)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 564. This legislation provides that a person convicted of theft of a firearm is guilty of a felony and subject to certain penalties. The court is prohibited from imposing less than or suspending any part of the mandatory minimum sentence of two years and for a second or subsequent conviction, five years. The sentence imposed must be separate from and consecutive to a sentence for any other offense.

The Judiciary traditionally opposes legislation that includes mandatory penalties. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the judge prevent the judge from considering factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Justin Ready
Judicial Council
Legislative Committee
Kelley O'Connor