



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

**DATE:** February 1, 2023

**BILL NUMBER:** House Bill 162      **POSITION:** Oppose

**BILL TITLE:** Firearms – Voluntary Do Not Sell Firearm Registry – Establishment

**REVIEW AND ANALYSIS**

This legislation requires the Department of State Police (DSP) to create and maintain a Voluntary Do Not Sell Firearm Registry. The registry will be for those individuals who wish to voluntarily enroll for the purpose of being prohibited from obtaining a firearm. A person may not sell, transfer, or loan a firearm to another if the person receiving the firearm is registered on the registry.

Under current law, a person wanting to acquire a regulated firearm is required, with certain exceptions, to obtain a Handgun Qualification License (HQL). This process takes up to 30 days. Once obtaining the HQL, the person has to apply to the DSP to purchase the regulated firearm. Transfer of the regulated firearm to the buyer may not happen until 7 days have passed and the buyer is “not disapproved”. If the person wants to purchase a rifle or shotgun, the transaction must go through a firearms dealer. The background check, for this type of purchase, is done by the FBI NICS. In most cases the rifle or shotgun can be transferred in a day.

HB 162 creates a few problems for the DSP. First, any registry will be required to be developed, built and managed. This takes operating funds and personnel of which none have been provided. Second, based on 4-325.1(B), the language in the legislation prohibits access to the registry by anyone other than the applicant, the applicant’s attorney, and law enforcement. Yet, the burden is placed on the person transferring, loaning, or selling the firearm to know whether or not the person is on the registry and thus not eligible. The conflict created in the language of HB 162 would put DSP in a very precarious situation of determining how to share the data.

The bill requires the Central Repository to be notified of the applicant’s placement on the registry. But the bill doesn’t tell the Central Repository what to do with it. According to the Department of Public Safety and Correctional Services, the Central Repository is unable to receive the information, store or process it. The Central Repository is for criminal justice data only. This voluntary registry would not qualify as such information.

**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

The legislation also presents privacy concerns. Should this registry be open to everyone to search for a name, it would be difficult for DSP to verify the registrant's identity for the dealer or anyone else seeking to make sure a person is not on the registry. There are many common names and how is a dealer or other person to know if the person on the registry is the same person in front of them. This bill and other laws prohibit the release of personal identifying information. DSP would be unable to confirm DOB, social security number, or other information for the dealer or other person querying the registry. Finally, there is the issue of proving that the applicant completing the application for the registry is who they say they are.

HB 162 prohibits a person from obtaining a firearm once they are on the list. Although the issue is not addressed in the bill, what is the expectation of DSP when a person on this list already owns a firearm and now claims to be voluntarily prohibited?

For these reasons, the Maryland Department of State Police urges the Committee to give House Bill 162 an unfavorable report.