



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

POSITION ON PROPOSED LEGISLATION

DATE: February 27, 2024
BILL NUMBER: Senate Bill 1097 **POSITION:** Letter of Information
BILL TITLE: Public Safety – Gun Buyback Programs – Destruction of Firearms

REVIEW AND ANALYSIS

This legislation requires a public or private entity operating a gun buyback program to destroy all firearms, including every component and part attached to the firearm, that is traded in at a gun buyback program. The destruction shall make every firearm and every component and part attached to the firearm inoperable and unrepairable.

The Department of State Police does not participate in gun buybacks. Few law enforcement agencies have partnered with non-profit organizations to establish a firearm buyback program. The law enforcement agency collects the firearms turned in at an established location and in exchange, the non-profit gives the firearm donor some type of remuneration, in the form of cash, credit card or gift cards. Firearms dealers and federal firearm licensees, generally, do not participate in the buybacks.

There are some concerns with Senate Bill 1097. Typically, buybacks are a “no questions asked operation”. A firearm is dropped off, the person gets some type of payment, and the person leaves with no questions asked. As written, the bill does not allow law enforcement, that may be given a stolen firearm, the ability to return the recovered firearm to its lawful owner. Additionally, this legislation prohibits the law enforcement agency from retaining a crime gun as evidence should a firearm be received from a buyback program.

Senate Bill 1097 does state that a person or entity may operate a gun buyback program on their own and they may contract with a law enforcement agency, an organization or a business to satisfy the destruction requirements. This language creates a new process that allows a person or entity to purchase firearms under the guise of a “gun buyback program” without going through the Department of State Police or the federal NICS background check.

The Department of State Police has relayed these concerns to the committee staff and discussed possible amendments.