



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 753 **POSITION:** Letter of Information

BILL TITLE: Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun center

REVIEW AND ANALYSIS

This legislation requires the Department of State Police (DSP) to notify local law enforcement agencies whenever a person who attempts to purchase a regulated firearm is denied as a result of a background check. This notice is required for all denials. If the denial is due to an active protective order or a violation of a protective order, the local law enforcement agency that receives notice of the denial is required to notify the victim of the protective order that the respondent tried to purchase a firearm.

Under current law, the Department of State Police Licensing Division processes all applications for the purchase or transfer of a regulated firearm. When a person is denied, for any reason, the applicant and dealer are notified that the applicant is denied. All denials are sent to the DSP Gun Center for further criminal investigation. Once the DSP Gun Center completes their initial criminal investigation, if further action is warranted, the case is sent to the DSP Firearms Investigation Unit. Once received by the DSP Firearms Investigation Unit, all actions required by law are taken.

Senate Bill 753 requires the DSP Gun Center to notify the local law enforcement agencies in the address and zip code of the firearms dealer as well as the law enforcement agencies in the address and zip code of the applicant of the denial by the Licensing Division within 24hrs. The notice required includes personal identifying information (PII) as well as criminal record information. This notice is for all denials. The legislation does not provide guidance as to what the local police agency is supposed to do with the information other than a denial based on a protective order. Civil liability is also created if the notice is not performed timely or the local agencies fail to provide notice to the victim as defined by the bill.

Notice required by the legislation cannot be made by a telephone call or email. Law enforcement agencies maintain encryption programs for their secure communications. The DSP does not maintain encryption programs to comply with each agency's requirements. Additionally, to ensure the notice meets the requirements in the bill, eliminate the human factor and potential for omission regarding the notice from Licensing Division to the DSP Gun Center, and provide security of the PII, the DSP will have to develop an automatic notice upon denial so that the DSP Gun Center and local law enforcement agencies are informed in an accurate and timely manner.

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Weekly, the DSP Gun Center receives notification from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATFE) about applicants who attempt to purchase a shotgun or long gun and are denied by the National Instant Criminal Background Check System (NICS). Each case is assigned as a criminal investigation for further action. All firearm purchase denials in Maryland are investigated by the Department of State Police.

DSP has been meeting with the Sponsor to discuss issues and possible amendments to the language in the bill. One issue specifically, in General Provisions Article, Section 4-325, DSP is prohibited from sharing information regarding a purchase or transfer of a regulated firearm.