

CHANA Gun Bill Testimony - SB 753 - 2.27.24.pdf

Uploaded by: Alicia Bickoff

Position: FAV



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Alyson Friedman

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Randee Greenwald

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Joy Michele Katzenberg

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Jeff Rubin

Leigh Vinocur

BILL NO: SB753

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

COMMITTEE: Judicial Proceedings

HEARING DATE: February 27, 2024

POSITION: Favorable

Mr. Chairman and Members of the Committee,

My name is Alicia Bickoff. I am the Deputy Director of CHANA, an agency of the Associated: Jewish Community Federation of Baltimore. I am testifying in favor of HB0869 - Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center. CHANA is a domestic violence, sexual abuse, and elder abuse agency that serves the citizens of Baltimore County and City. CHANA provides safety planning, emotional counseling, sheltering and legal advocacy. We also collaborate with the Baltimore Police Department to respond to all lethality assessments in the Northwest Precinct.

One of the core services that CHANA provides is safety planning. Safety planning is a highly customized and ever evolving process between the advocate and the victim. It relies on the unique circumstances, risks and experiences of the victim to create a plan to mitigate harm. It is constantly being practiced, adjusted and refined based on the information that is available to both the victim and the advocate. If a victim were to learn that their abusive partner had filed for a gun license, that critical information would be immediately incorporated into their safety plan. It would show that their abusive partner lacks concern with violating the terms of their protective order. It would be an indication of escalation and growing risk of lethality as the presence of a firearm makes it five times more likely that a woman will die at the hands of a domestic abuser. The victim may choose to move their custodial exchanges to a police station or a supervised visitation center, rather than a store parking lot. They may decide to notify an employer or a school so that they can call the police if the abuser is on the premises. They may re-start safety practices that they had retired such as packing a safety bag in case they need to flee rapidly, changing the driving routes or even relocating permanently. Without accurate, current information, a victim cannot proactively keep themselves safe. For the state to have this information and not share it with the victim would be to tie that victim's hands and put them in more harm unnecessarily.

We ask you to support this bill so that our clients can receive the full information that they need to protect themselves and plan for their safety.

SB 753 - WLCMD - FAV.pdf

Uploaded by: Catherine OMalley

Position: FAV

BILL NO: Senate Bill 753
TITLE: Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center
COMMITTEE: Judiciary
HEARING DATE: February 27, 2024
POSITION: **SUPPORT**

Senate Bill 753 would require notification to the victim if a prohibited person such as a person who has an Order or Protection active against them, seeks to obtain background check in order to purchase a gun. It would also require the State Police to notify the Maryland State Police Gun Center if it does not approve a gun background check. The Women's Law Center of Maryland (WLC) supports SB 753 because we hope it will reduce intimate partner gun violence.

Right now, gun background checks are performed either by the NICS/FBI or by the State Police. Under SB 753, the State Police must notify a local law enforcement agency if a prohibited person tries to legally purchase a firearm and is denied, regardless of which agency performed a background check. The victim of abuse would also be notified. Having such knowledge might be vitally important to preventing further abuse or even death at the hands of their abuser. It would also place local law enforcement on notice of the potential danger. Notification to law enforcement has been required under VAWA (Violence Against Women Act) since 2022 for background checks done via NICS.

The risk of homicide for women increases by 500% with the presence of a gun in the home. In Maryland, there were 56 domestic violence fatalities in 2022 and 75% of those deaths were caused by a firearm. SB 753 does not change who a prohibited person is or alter the process for purchasing a firearm. It simply assures that victims know their abuser has sought to purchase a firearm, allowing the victim to make a safety plan, while also informing local law enforcement so they can decide whether to take any action.

For these reasons, the WLC urges a favorable report for SB 753.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.

SB0753_Firearm_Background_Checks_Victim_Notificati

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0753
Public Safety – Firearm Background Checks, Victim Notification,
and the Maryland State Police Gun Center

Bill Sponsors: Senator Hettleman

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0753 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

MLC supports a bill that requires a law enforcement agency to inform a person that their victimizer failed a gun background check. While it's good that a background check was performed and, presumably, that the firearm was not sold. However, other entities need to know that the victimizer tried to buy a firearm and has failed a background check. That would include local law enforcement agencies and victims.

The risk of homicide for women increases five-fold with the presence of a gun in the home. Young, racial/ethnic minority women are especially at risk and represent a disproportionate number of domestic violence homicides, especially by firearms.

Our members believe firmly in common sense gun legislation, as do most gun owners and the majority of residents in Maryland. We have a lot of solid, common-sense laws on the books, but like many states, we continue to see gun deaths by people who should never, ever have access to a gun. We need to protect victims from these people.

Our members think this legislation is long overdue and should be passed as quickly as possible. We support this bill and recommend a **FAVORABLE** report in committee.

Feinstein Letter of Support SB753.pdf

Uploaded by: Debbie Feinstein

Position: FAV



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DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

February 26, 2024

The Honorable Will Smith
Chairman, Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chair Smith and Members of the Judicial Proceedings Committee:

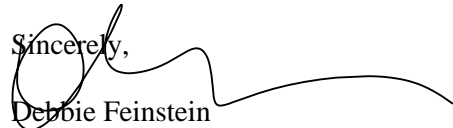
On behalf of the Maryland State's Attorney's Association, I write in support of SB753, Public Safety—Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and I chair the Montgomery County Domestic Violence Fatality Review Team. I am a member of the Governor's Family Violence Council and chair of the Maryland State's Attorneys' Association's Special Victims' Subcommittee, which includes representatives from jurisdictions across the state.

In 2022, 35 adults and 5 children were victims of domestic violence homicide in Maryland. An additional 16 people were killed as a result of domestic violence, including abusive partners. Seventy-five of the deaths were caused by a gun. Moreover, the risk of homicide for women increases by 500% with the presence of a gun in the home.

Senate Bill 753 closes a gap in Maryland law. Currently, if a protective order prohibits an abuser from purchasing or possessing a firearm, the victim is not notified if the respondent tries to legally purchase a firearm and is denied. House Bill 869 requires Maryland State Police to notify the victim if the respondent tries to legally purchase a firearm. This notification is critical to the safety and welfare of domestic violence victims. With prompt notification, victims can take necessary measures to protect themselves and their families.

I urge the House Judiciary Committee to issue a favorable report on SB753.

Sincerely,


Debbie Feinstein
Chief, Special Victims Division
Senior Assistant State's Attorney

Source: 2022-2023 Maryland Domestic Violence Fatality Review State Implementation Team Report, [2023 DVFRSIT Report \(mnadv.org\)](https://mnadv.org) (last visited February 19, 2024).

HPP SB 753 Testimony- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 753
TITLE: Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center
COMMITTEE: Judicial Proceedings
HEARING DATE: February 27, 2024
POSITION: FAVORABLE

Senate Bill 753 would require the Maryland State Police to notify local law enforcement when an individual who is prohibited from possessing a firearm, tries to *legally purchase a firearm* and is denied. The bill would also require that the victim in a final order of protection or violation of an order of protection be notified if the Respondent tried to legally purchase a firearm and is denied regardless of whether the background check was conducted by Maryland State Police or the FBI/NICS. [The Human Trafficking Prevention Project](#) supports this bill because ensuring that victims of interpersonal violence know that their abuser attempted to legally purchase a firearm offers an invaluable opportunity for them to take safety measures that could potentially save their lives.

[Maryland is a Partial Point of Contact State](#) for National Instant Criminal Background Check System (NICS) background checks. The FBI, using only the NICS database, performs background checks for long guns in Maryland. The Maryland State Police conduct background checks using various databases for handguns and assault weapons. In 2022 there were [1,315 background check denials by the FBI/NICS](#). [In 2021 there were 1,663 denials and 2,234 in 2020](#). There are 13 Point of Contact States that conduct all of their own background checks and 6 Partial Point of Contact States, including Maryland, that perform some background checks on the purchase of certain firearms, handguns, while the FBI/NICS conducts background checks on the purchase of certain firearms, long guns or pawn transactions.

The NICS Firearm Background Check Denial Act was signed into law in 2022 as part of the Violence Against Women Act Reauthorization (VAWA). What started as a bipartisan bill and was incorporated into VAWA, [requires the FBI to notify local law enforcement within 24 hours of a background check denial](#). However, this requirement is limited to only long guns in Maryland, not the purchase of firearms that are subject to background checks conducted by Maryland State Police. SB 753 would extend the same provisions included in the VAWA Reauthorization Act NICS Background Check Denial Notification Act to Maryland State Police and expand upon it to include notification to a victim in possession of a final order of protection or if there was a violation of an order of protection.

Ensuring that a victim knows that their abuser attempted to legally purchase a firearm offers an invaluable opportunity for them to take safety measures that could potentially save their life. It is imperative that there be statutory reporting requirements and a process in place in Maryland for when a prohibited person attempts to lawfully purchase a firearm and fails a background check. Local law enforcement and the victim must be notified of the attempted purchase. The risk of homicide for women increases by 500% with the presence of a gun in the home. In Maryland, there were 56 domestic violence fatalities in 2022 and 75% of those deaths were caused by a firearm.

Pursuant to Md. Code, Pub. Safety § 5-139, Maryland law already contains provisions for lying on a firearm application. It is also already unlawful to be a prohibited person in possession of a firearm pursuant to Md. Code, Pub. Safety § 5-133. SB 753 does not change who is a prohibited person, alter the process for purchasing a firearm, or create any new offenses or penalties. It does however ensure that a victim knows that their abuser attempted to lawfully purchase a firearm and allow them an opportunity to create a safety plan and allows law enforcement a critical information that it can choose whether to use and potentially prevent an individual from harming themselves or others.

For the above stated reasons, the **Human Trafficking Prevention Project** urges a favorable report on SB 753.

Passage of HB 691 will ensure that no one ideologically-driven person or state government will be permitted to dictate the ability of any Marylander to make their own decisions about their bodies or their lives. For these reasons, the Human Trafficking Prevention Project respectfully urges a favorable report on House Bill 691.

The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.

***For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
(E): jemerson@ubalt.edu***

MLAW Testimony - SB753 - Firearm Background Checks

Uploaded by: Jessica Morgan

Position: FAV



Bill No: SB753
Title: Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center
Committee: Judiciary
Hearing: February 21, 2024
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB753 - Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center** is a priority on the [2024 MLAW Agenda](#) and we urge your support.

SB753 bill would require law enforcement and victim notification if a prohibited person attempts to purchase a firearm and fails the background check.

According to the National Instant Criminal Background Check (NICS) data there were over 3,800 federal denials for persons attempting to purchase a firearm that were prohibited by law from doing so. Maryland is a partial point of contact state for NICS checks. Therefore, in Maryland, the State Police handle background checks on handguns and assault-style weapons, while the FBI handles background checks for other long guns. It is imperative that there be laws and a process in place in Maryland for when a prohibited person attempts to lawfully purchase a firearm and fails a background check and that the victim be notified of the attempted purchase. The risk of homicide for women increases by 500% with the presence of a gun in the home. In Maryland, there were 56 domestic violence fatalities in 2022 and 75% of those deaths were caused by a firearm.

Maryland is an outlier since we are a partial point of contact state and conduct background checks on handguns and assault-style weapons but do not have a process or law in place for when a person fails a background check that ensures that local law enforcement and the victim is notified. This bill would establish a requirement and process for law enforcement and victim notification when a person fails a background check conducted by Maryland State Police. Notification of local law enforcement and victims creates an opportunity to intervene and prevent future violence. An individual becomes a prohibited person when they are the Respondent on a final protective order in Maryland. Most intimate partner homicides are committed with firearms and nationally an average of 70 women are shot and killed by an intimate partner a month. Establishing in statute notification requirements for local law enforcement and victim notification would save women’s lives.

For these reasons, MLAW strongly urges the passage of SB753.

MLAW 2024 Supporting Organizations

The following organizations have signed on in support of our 2024 Legislative Agenda:

1199 SEIU United Healthcare Workers East
AAUW Anne Arundel County
AAUW Garrett Branch
AAUW Kensington-Rockville Branch
AAUW Maryland
Adolescent Single Parent Program (PGCPS)
Anne Arundel County Commission for Women
Anne Arundel County NOW
Baltimore County Commission for Women
Black Women for Positive Change, Baltimore Chapter
Bound for Better, Advocates for Domestic Violence
Bound for Better, advocates for Domestic Violence
Business & Professional Women/Maryland
Center for Infant & Child Loss
Child Justice, Inc.
Church Women United, Inc.
Climate XChange Maryland
Court Watch Montgomery
CTLDomGroup Inc
DABS Consulting, LLC
Engage Mountain Maryland
Frederick County Commission For Women
If/When/How at University of Baltimore School of Law
Lee Law, LLC
Les Etoiles in Haiti
Maryland Coalition Against Sexual Assault
Maryland Legislative Coalition
Maryland Network Against Domestic Violence
Maryland WISE Women
Miller Partnership Consultants
MomsRising
Montgomery County Alumnae Chapter, Delta Sigma Theta Sorority, Inc.
Montgomery County NOW
National Coalition of 100 Black Women, Inc., Anne Arundel County Chapter
National Organization for Women, Maryland Chapter
Rebuild, Overcome, and Rise (ROAR) Center at UMB
REHarrington Plumbing and Heating
Reproductive Justice Maryland
Stella's Girls Inc
The Federation of Jewish Women's Organizations of Maryland
The Hackerman Foundation
The Relentless Feminist
The Salvation Army Catherine's Cottage
Top Ladies of Distinction, Inc., Patuxent River
Top Ladies of Distinction, Prince George's County
TurnAround Inc.
University System of Maryland Women's Forum
Women of Action Maryland
Women's Equity Center and Action Network (WE CAN)
Women's Law Center of Maryland
Zeta Phi Beta Sorority, Incorporate - Alpha Zeta Chapter
Zonta Club of Annapolis

Maryland Legislative Agenda for Women

102 W. Pennsylvania Avenue, Suite 100 - Towson, MD 21204 - 443-519-1005 phone/fax
mdlegagenda4women@yahoo.com - www.mdlegagendaforwomen.org

BaltimoreCounty_FAV_SB0753.pdf

Uploaded by: John Olszewski

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

WILLIAM J. THORNE
Legislative Associate

BILL NO.: **SB 753**

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

SPONSOR: Senator Hettleman

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORTS**

DATE: February 27, 2024

Baltimore County **SUPPORTS** Senate Bill 753 – Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center. This legislation will require the Maryland State Police to notify the Maryland Gun Center if the State Police denies an individual’s application to purchase a firearm following a background check. Furthermore, SB 753 requires local law enforcement agencies to be notified by the Maryland Gun Center that an application to purchase a firearm has been denied.

If the individual who has been denied to purchase a firearm is subject to a restraining order, the local law enforcement agency must notify the victim of the individual under that restraining order. By allowing victims of domestic violence and dangerous individuals to be notified when their abuser is attempting to purchase a firearm, these victims can be better protected by our state systems. Law enforcement will resultingly be able to take steps to keep the victim of this individual as safe as possible. In conjunction with additional firearm reforms recently passed by the State of Maryland and Baltimore County, SB 753 will keep our neighborhoods safe and prevent all too common incidents of gun violence- especially those incidents targeting previous victims of domestic violence.

Accordingly, Baltimore County urges a **FAVORABLE** report on SB 753 from the Senate Judicial Proceedings Committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

SB753_HB869 Victim Notification Testimony 2024.pdf

Uploaded by: Karen Herren

Position: FAV



Testimony in **Support** of

Public Safety - Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center

SB753/HB869
Executive Director Karen Herren
Marylanders to Prevent Gun Violence

February 27, 2024

Dear Chair Smith, Vice-Chair Waldstreicher, and distinguished members of the committee,

Marylanders to Prevent Gun Violence (MPGV) is a statewide organization committed to reducing gun deaths and injuries across Maryland. We urge a FAVORABLE report on **Senate Bill 753**.

BACKGROUND:

In the current process of purchasing firearms, individuals are required to complete federal form 4473 and (when attempting to purchase a handgun) Maryland state form 77R, followed by background checks through NICS or the Maryland State Police. However, when a background check fails, there are gaps in the system:

- The dealer may not proceed with the sale, but law enforcement is only notified when under the NICS system and there is no requirement to notify victims under either.
- Potential purchasers might seek alternative means to obtain firearms.
- In most cases, law enforcement and the victim remain uninformed, leaving victims unaware and vulnerable.

WHAT THIS BILL DOES:

Senate Bill 753 mandates:

- Notification of background check denials to the Maryland State Police Gun Center.
- Record-keeping of background check denials by the Gun Center.
- Notification to local law enforcement.
- Updates to law enforcement if the denial status changes.
- Immediate victim notification if a prohibited person fails a background check.

WHY THIS MATTERS:

Intimate partner violence and gun violence are deeply intertwined, affecting countless women, families, and communities nationwide. Firearms escalate the danger in abusive relationships, making victims five times more likely to be killed by their abusers. The statistics are alarming:

- Every month, 70 women are shot and killed by intimate partners.

- Nearly 1 million women report being shot or threatened by intimate partners.
- In over half of mass shootings, the perpetrator targeted an intimate partner or family member.
- American Indian, Black, and Latina women, along with pregnant and postpartum women, are disproportionately affected.
- Firearms are used in over half of all intimate partner homicides in the U.S.¹

CONCLUSION:

Senate Bill 753 would facilitate victim safety and empower law enforcement to intervene effectively. By notifying authorities of background check denials, we can prevent tragedies and protect vulnerable individuals. MPGV urges a **FAVORABLE** report on **SB 753**.

¹ [Domestic Violence & Firearms | Giffords](#)

SB 753 Firearm Background Checks, Victim Notificat

Uploaded by: Lavontee Chatmon

Position: FAV



www.courtwatchmontgomery.org

**Senate Bill 753 - Public Safety - Firearm Background Checks, Victim Notification,
and the Maryland State Police Gun Center
Judicial Proceedings Committee - February 27, 2024
SUPPORT**

Good afternoon, Chair Smith, Vice Chair Waldstreicher, and honorable committee members. **Court Watch Montgomery (CWM)** is pleased to submit this testimony in support of SB753. CWM is one of the only organizations in Maryland that observes and collects data about what actually happens in domestic violence hearings, including data regarding possession and use of firearms. Please review [our recent report](#) on how the Montgomery County judicial system handles firearms in intimate partner violence cases.

It is evident that the presence of a firearm can be the determining factor between life and death for victims of intimate partner violence. Shockingly, when a domestic abuser has access to firearms, the risk of a domestic violence victim being killed increases fivefold. This harrowing statistic underscores the urgent need to address the issue of firearms in domestic abuse situations. Moreover, data from 2021 in Maryland revealed that guns were tragically used in 76% of domestic violence-related deaths. These alarming figures highlight the critical importance of ensuring that domestic abusers have limited or no access to firearms, even on a temporary basis, as it directly correlates with saving lives and preventing further tragedies.

One significant aspect of Senate Bill 753 is the requirement for law enforcement agencies to inform victims if a prohibited individual fails a background check due to a protective order. This provision aims to enhance victim safety and ensure that necessary measures can be taken to prevent potential harm. Furthermore, the expansion of responsibilities for the Maryland State Police Gun Center outlined in the bill is essential for more effective tracking and reporting of background check denials. By mandating licensed firearms dealers and the Secretary of State Police to notify the Gun Center of such denials, the state can maintain comprehensive records and facilitate better enforcement of firearm regulations.



www.courtwatchmontgomery.org

In conclusion, CWM firmly supports the intent of and urges the passage of Senate Bill 753 in bolstering firearm background check procedures, enhancing victim notification protocols, and reinforcing the responsibilities of the Maryland State Police Gun Center. These provisions are crucial for the protection and well-being of victims of intimate partner violence within our community. By advocating for these measures, we aim to promote public safety, prevent potential harm, and ensure the responsible handling of firearms in situations of domestic abuse.

Thank you for considering the invaluable impact of this bill on victims of intimate partner violence and the broader community. Thank you for considering our testimony and the valuable insights from our Gun Report. We look forward to continued collaboration in advancing measures that prioritize victim safety and address the critical issue of firearms in domestic violence situations.

We ask for your support for SB753 and strongly urge a favorable report.

With gratitude,

A handwritten signature in black ink, appearing to read "Lavontte Chatmon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lavontte Chatmon
Executive Director
Court Watch Montgomery

Guns - Victim Notification - senate testimony -

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting Senate Bill 753
Lisae C. Jordan, Executive Director & Counsel
February 27, 2024

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 753.

Senate Bill 753 - Notifying Victims When Abusers Attempt to Purchase Firearms

Senate Bill 753 would require the Maryland State Police to notify local law enforcement when an individual, who is a "prohibited person" (someone not allowed to have guns), tries to legally purchase a firearm and is denied. The bill would also require that the victim in a final order of protection or violation of an order of protection be notified if the Respondent tried to legally purchase a firearm and is denied regardless of whether the background check was conducted by Maryland State Police or the FBI/NICS.

Ensuring that a victim knows that their abuser attempted to legally purchase a firearm offers an invaluable opportunity for them to take safety measures that could potentially save their life. It is imperative that there be statutory reporting requirements and a process in place in Maryland for when a prohibited person attempts to lawfully purchase a firearm and fails a background check.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 753**

SB 753_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 753
TITLE: Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center
COMMITTEE: Judiciary
HEARING DATE: February 27, 2024
POSITION: **FAVORABLE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 753.**

Senate Bill 753 would require the Maryland State Police to notify local law enforcement when an individual, who is *a prohibited person*, tries to *legally purchase a firearm* and is denied. The bill would also require that the victim in a final order of protection or violation of an order of protection be notified if the Respondent tried to legally purchase a firearm and is denied regardless of whether the background check was conducted by Maryland State Police or the FBI/NICS.

Maryland is a Partial Point of Contact State for National Instant Criminal Background Check System (NICS) background checks.¹ The FBI, using only the NICS database, performs background checks for long guns in Maryland. The Maryland State Police conduct background checks using various databases for handguns and assault weapons. In 2022 there were 1,315 background check denials by the FBI/NICS.² In 2021 there were 1,663 denials and 2,234 in 2020.³ There are 13 Point of Contact States that conduct all of their own background checks and 6 Partial Point of Contact States, including Maryland, that perform some background checks on the purchase of certain firearms, handguns, while the FBI/NICS conducts background checks on the purchase of certain firearms, long guns or pawn transactions.

¹ <https://www.atf.gov/rules-and-regulations/permanent-brady-state-lists>

² <https://www.fbi.gov/file-repository/nics-2022-operations-report.pdf/view> (pg 38)

³ <https://www.fbi.gov/file-repository/nics-2020-2021-operations-report.pdf/view>



The NICS Firearm Background Check Denial Act was signed into law in 2022 as part of the Violence Against Women Act Reauthorization (VAWA). What started as a bipartisan bill and was incorporated into VAWA, requires the FBI to notify local law enforcement within 24 hours of a background check denial.⁴ However, this requirement is limited to only long guns in Maryland, not the attempted purchase of firearms that are subject to background checks conducted by Maryland State Police. HB 869 would extend the same provisions included in the VAWA Reauthorization Act NICS Background Check Denial Notification Act to Maryland State Police and expand upon it to include notification to a victim in possession of a final order of protection or if there was a violation of an order of protection.

Ensuring that a victim knows that their abuser attempted to legally purchase a firearm while the law prohibits them from doing so, offers an invaluable opportunity for them to take safety measures that could potentially save their life. The risk of homicide for women increases by 500% with the presence of a gun in the home. In Maryland, there were 56 domestic violence fatalities in 2022 and 75% of those deaths were caused by a firearm.

Pursuant to Md. Code, Pub. Safety § 5-139, Maryland law already contains provisions for lying on a firearm application. It is also already unlawful to be a prohibited person in possession of a firearm pursuant to Md. Code, Pub. Safety § 5-133. SB 753 does not change who is a prohibited person, alter the process for purchasing a firearm, or create any new offenses or penalties. It does however ensure that a victim knows that their abuser attempted to lawfully purchase a firearm and allows them an opportunity to create a safety plan.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 753.**

⁴ <https://le.fbi.gov/informational-tools/nics-denial-notifications-for-law-enforcement#:~:text=By%20October%201%2C%202022%2C%20the,law%20enforcement%20within%2024%20hours.>

Testimony in support of SB0753.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0753_RichardKaplowitz_FAV
2/21/2022

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0753 - POSITION: FAVORABLE

Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#0753, Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center

Gun violence is an epidemic in our society, in our country, and in Maryland. As reported by Everytown For Gun Safety: “In Maryland, the rate of gun deaths increased 36% from 2010 to 2019, compared to a 17% increase nationwide. The rate of gun suicides increased 10% and gun homicides increased 53%, compared to a 13% increase and 26% increase nationwide, respectively.”¹ 2024 has seen at least one mass gun violence shooting every day so far.

This bill is an attempt, as outlined by Governor Moore, to treat gun violence as the public health emergency it has become. It will enforce a “red flag” provision when a prohibited person attempting to acquire a firearm fails a background check. A victim of prior action by that prohibited person can be informed of the situation to take common sense precautions to protect their safety against actions the person failing that background check might initiate against them.

This bill adds a tool to law enforcement in keeping people safe from gun violence. In testimony against another bill urging creation of a Center for Firearm Violence and Intervention even the NRA representative’s testimony seems to point at the bill also. “Taylor McKee, mid-Atlantic regional director for the National Rifle Association, testified against the bill, telling the committee members, “The real solution to Maryland’s crime issues lie not in creating more bureaucratic entities, but rather in **strengthening policies and practices that target and punish criminal activities directly** (emphasis added) ²””. That is what this bill is attempting to do, target and punish criminal activities directly. It emphasizes the ability to protect a victim of violence from possible future gun violence against them.

I respectfully urge this committee to return a favorable report on SB0753.

¹ <https://everystat.org/wp-content/uploads/2021/02/Gun-Violence-in-Maryland-2.9.2021.pdf>

² <https://wtop.com/maryland/2024/02/maryland-governors-bill-to-take-a-public-health-approach-to-gun-violence-gets-a-hearing-in-annapolis/>

SB753 Public Safety - Firearm Background Checks, V

Uploaded by: Sarah Miicke

Position: FAV

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 Temple Isaiah
 Zionist Organization of America
 Baltimore District

WRITTEN TESTIMONY

**Senate Bill 753 – Public Safety - Firearm Background Checks,
 Victim Notification, and the Maryland State Police Gun Center**

Judicial Proceedings Committee

February 27, 2024

Support

Background: SB 753 would require anyone in Maryland (likely State Police and/or regulated firearm dealers who conduct background checks) to notify the State Police Gun Center of a background check denial of a prohibited person. The State Police Gun Center would then notify the local law enforcement agency within 24 hours, and that agency would then be responsible for notifying any victim of a final protective order of the background check denial. In this way, victims can be informed of their abuser's potential intentions and take necessary precautions.

Written Comments: The Baltimore Jewish Council represents The Associated Jewish Community Federation of Baltimore and its agencies. One of these agencies is CHANA, a non-profit organization that provides crisis intervention, legal services, and counseling to community members of all ages facing domestic, sexual, or financial abuse. People come to CHANA in situations of abuse because they want to know their options and rights. What underlies all domestic violence/abuse is power and control. Our agencies' clients experience physical, sexual, psychological, financial, technological, and spiritual abuse. By allowing them the ability to take back some control, we are empowering these victims. Ensuring that someone who has received a final protective order is notified that their abuser tried to purchase a gun may save their life.

For these reasons we ask for a favorable report on SB753.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

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Zionist Organization of America
 Baltimore District

SB753-HB969 - Testimony for Shelley-Rose Moghrabi.

Uploaded by: Shelley-Rose Moghrabi

Position: FAV

Fifty-six years ago, my mother and her family – Lebanese-Jews – fled Beirut with nothing but the clothes on their backs and one small bag per person. They escaped to the United States in search of a better life, initially landing in Queens, New York, and eventually settled in Bergen County, New Jersey. Both New York and New Jersey welcomed them with open arms and supported them in pursuing a safe and stable new life for themselves. Today, approximately only twenty-seven Jews remain in the country of Lebanon, and they all remain in hiding, as it remains unsafe to be Jewish in Lebanon. I never imagined, fifty-six years later, right here in Maryland, that I too would find myself hurriedly packing a bag, fleeing my home with nothing but the clothes on my back and one small TSA-approved carry-on bag, and boarding an aircraft bound for Florida, because I too feared for my safety.

That won't happen to me, I said. I'm not of that race, ethnicity, or nationality, and so I did not speak out.

That won't happen to me, I said. I'm not of that religion or sexual orientation, and so I did not speak out.

That won't happen to me, I said. I don't have that disability, and so I did not speak out.

That won't happen to me, I said. I'm not part of that socioeconomic status, nor part of that income bracket, and so I did not speak out.

That won't happen to me, I said, until it was physically in my face, had me backed into a corner, and was spewing utter vitriol at me.

That won't happen to me, I said, he'd never lay a hand on me, until one day I found myself injured and in pain from the aggression.

That won't happen to me, I said, until nine months ago, when I found myself on the phone with a domestic violence hotline.

In 2022, a requirement was placed on the Federal Bureau of Investigation to notify local law enforcement when a prohibited person attempts to legally purchase a firearm and fails the background check. Maryland conducts some of its own background checks, however, the federal requirement does not apply to Maryland State Police. Though this notification process is helpful for law enforcement to remain "in the loop," it fails to help victims of domestic abuse be aware of the potential intentions of their abuser. Senate Bill 753/House Bill 869 – Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center, introduced by Senator Shelly Hettleman and Delegate Sandy Bartlett, would require an individual – most likely State Police and/or regulated firearm dealers who conduct background checks – to notify the State Police Gun Center of any background check denials. The State Police Gun Center would then notify local law enforcement within twenty-four hours, and that agency would henceforth be responsible for notifying any victim of domestic violence of the background check denial, if it is based on a prohibited person pursuant to an order of protection or violation of a protective order. This way, victims can remain informed of their abuser's potential intentions, and take necessary precautions to protect themselves and/or their own families.

Senate Bill 753/House Bill 869 is a crucial legislative priority for Jewish agencies such as CHANA and the Jewish Coalition Against Domestic Abuse, as people experiencing abuse turn to these agencies for support, guidance, and resources, and to better understand their options and rights. Six years ago, as I watched military law enforcement arrest my soon-to-be-ex-husband for improper registration and transportation of his personal gun, and watched him subsequently get bailed out by leadership with no consequences, I recall sitting at the Provost Marshall's office in sheer horror. How are victims to feel safe, when the threat of intimidation and violence still has the capacity to permeate their existence?

I did not speak up, and I did not speak out, and when domestic violence quietly whispered its way into my own home and wrapped what felt like an invisible chokehold around my neck, I felt hauntingly alone and isolated. So, today, I am speaking up and speaking out in asking you to please consider prioritizing this legislation. Domestic violence doesn't discriminate against race or ethnicity, religious affiliation, sexual orientation, nationality,

socioeconomic status, or disability, nor does it always take the form of physical abuse. By allowing people to take back some control, we can empower victims, and together, we can stop this deadly cycle.

SB753_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Chair
Rules Committee

Budget and Taxation Committee

Subcommittees

Health and Human Services

Pensions



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 753 PUBLIC SAFETY - FIREARM BACKGROUND CHECKS, VICTIM NOTIFICATION
AND THE MARYLAND STATE POLICE GUN CENTER

Thousands of Marylanders experience intimate partner violence and trust our law enforcement to protect them from their abusers. Many survivors of abuse petition the court for protection from abuse, and are granted a civil protection order, where a court may also require an abuser to relinquish their firearm. Unfortunately, we do not have a process where law enforcement can notify a victim when a prohibited person attempts to legally purchase a firearm. **This bill would require Maryland State Police to notify the Maryland State Police Gun Center and subsequently local law enforcement and intimate partner violence survivors when an abuser attempts to purchase a gun and is denied by state background check systems.**

Firearm background checks are a critical step in preventing crime and protecting communities. According to the Maryland Network Against Domestic Violence, there were 58,000 domestic violence incidents reported to law enforcement and 58 deaths caused by domestic violence in 2021. Survivors are particularly vulnerable to violence when their abusers attempt to acquire a firearm. In fact, there have been several recent cases in which women were killed by their abusers, for whom they had protective orders, shortly after the abuser was denied a firearm via a background check by the federal or state systems. Think of the violence that could be prevented if a survivor could do appropriate safety planning after having knowledge that the abuser was seeking a firearm.

As a Partial Point of Contact state, Maryland operates some firearm background checks while the federal system, NICS, operates others. When a prohibited person attempts to legally purchase a firearm (5,000 times in Maryland over the past 3 years), the FBI notifies local enforcement who can investigate. According to Everytown, the national system, NICS, has denied more than 71,000 sales to abusers subject to a domestic violence restraining orders and 178,000 sales to domestic abusers convicted of misdemeanor crimes. Unfortunately, a similar system is not set up for state-regulated firearms.

This legislation would promote communication among state and local law enforcement, the Maryland State Police Gun Center, the FBI and federal law enforcement agencies when a prospective purchaser, lessee or transferee failed a background check by setting up systems for notification to local law enforcement and survivors with active protective orders.

This is an issue already being addressed in other parts of the country. The federal government passed the Violence Against Women Act reauthorization in 2022, requiring that NICS notify state, local or tribal law enforcement of rejected background checks within 24 hours. However,

since Maryland conducts some of our own background checks, all rejections do not get communicated to local authorities. According to Everytown, most other states with Partial Point of Contact have adopted explicit policies to require state officials to alert local officials to background check denials. Other states, including Washington, have additionally instituted notification systems to domestic abuse survivors directly, as we are proposing.

We have a number of amendments we are working on to fine tune the logistics of this program and believe that this system has the capability to save lives. We must do our best to protect survivors of intimate partner violence and in many cases, time is of the essence.

2024 SUPPORT SB 753 (1).pdf

Uploaded by: Spencer Cantrell

Position: FAV

SB 753
Favorable

TO: The Honorable Will Smith, Chair
Senate Judiciary Committee

FROM: Spencer Cantrell
Senior Advisor for Implementation, Johns Hopkins Center for Gun Violence Solutions

DATE: February 27, 2024

RE: Senate Bill 753: *Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center*

I am here today in enthusiastic support of Senate Bill 753, the Firearm Background Checks and Victim Notification bill, and the Johns Hopkins Center for Gun Violence Solutions urges a **favorable** report on this legislation.

As the Senior Advisor for Implementation for the Johns Hopkins Center for Gun Violence Solutions, I am very happy to support this legislation. Our Center conducts and translates rigorous research to inform effective policy solutions, and develops, advocates for, and implements equitable and innovative policies and programs to end the epidemic of gun violence. This bill would assist with furthering these goals by protecting victims of domestic violence and the broader community.

If a respondent in a final protective order attempts to purchase a firearm from a licensed firearms dealer (which would automatically be a violation of the final protection order), then this bill would require the firearms dealer to report the attempted purchase to the state police. The state police would then be required to transmit that information to law enforcement and also provide notice of the attempted purchase to the victim in the protection order. This notice would occur by using the VINE system, which automatically notifies victims through email and telephone alerts they can enroll in. Many victims/ survivors of domestic violence are already otherwise enrolled in the VINE program, and this is a system that victim advocates are already quite familiar with.

This bill works to close a critical implementation gap of notifying authorities when individuals are attempting to purchase firearms in violation of current law. By providing law enforcement and petitioners/ victims with this information, it allows for law enforcement to follow up with the respondent if needed to ensure compliance with the order. More importantly, it gives the victim information which may be critical in safety planning, since the respondent's attempt to purchase a firearm could be a signal of an escalation of violence.

This bill also requires data collection statewide including how many individuals fail background checks and why. This will allow for further analysis of individuals attempting to purchase firearms and potentially further improve implementation.

Notably, this bill does not create a new crime, but rather works to close an implementation gap by holding prohibited individuals accountable when they attempt to purchase a firearm.



Research from my colleagues at Johns Hopkins has shown the clear risk presented by abusive partners having access to firearms; research shows that when abusers have access to firearms, women are five times more likely to be murdered by an abusive partner.¹ This threat also puts the wider community at risk; another colleague's research has shown that in two-thirds of mass shootings, the shooter either killed family or partners as a part of the shooting or had a history of domestic violence.²

As discussed by the Maryland Network Against Domestic Violence (MNADV), Maryland is a partial point of contact state- meaning that some background checks are completed by the FBI and some by the Maryland state police. While federal law requires the FBI to notify local law enforcement of attempted purchasers that fail background checks, this same notification requirement does not extend to state background checks.

Notifying victims or petitioners in protection orders when an abuser is attempting to purchase a firearm is key information for a victim who would likely need to do additional safety planning if the Respondent is attempting to unlawfully purchase a firearm. Prior to my role at Johns Hopkins, I worked as the Legal Director of a domestic violence non-profit in Maryland and represented victims of domestic violence in court. I would often work with victims/ survivors on safety plans, and often these safety plans would evolve around moments where the victim perceived additional risk; these were often very real risks. If I worked with a victim of domestic violence and the abuser was attempting to unlawfully purchase a firearm, I would have a serious conversation with them about additional urgent steps they may want to take to ensure their safety. However, if the victim isn't informed, they are deprived of the critical agency they need to ensure their and their family's safety.

In my current role as a Senior Advisor for Implementation, I often work with jurisdictions around the country around effective implementation of firearm removal laws. Ensuring that prohibited individuals do not obtain weapons is a key part of this. This bill ensures that the protection order prohibitions are being properly implemented in a victim-centered way.

Accordingly, the Johns Hopkins Center for Gun Violence Solution respectfully requests a **FAVORABLE** committee report on **Senate Bill 753**. Thank you for your time, and I am available for any questions.

¹ <https://ajph.aphapublications.org/doi/10.2105/AJPH.93.7.1089>

² <https://injejournal.biomedcentral.com/articles/10.1186/s40621-021-00330-0>

SB0753_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: UNF



Senate Bill 753
Public Safety – Firearm Background Checks, Victim Notification, and
the Maryland State Police Gun Center
UNFAVORABLE

According to the Maryland State Police, during 2023 there were twenty-one attempts to purchase a firearm by persons subject to a final protective order. The Maryland Courts' website reports in 2023, a total of 24,892 Final Protective Orders were issued. (Page 3)

We do not object to victims having the means to protect themselves as a respondent may present a clear and present danger to the victim. This is why we supported the existence of a protective order as a "good and substantial" reason for a permit to wear and carry a handgun for self-defense prior to the Bruen decision. Our urgings feel upon deaf ears.

Our opposition to Senate Bill 753 is two-fold; the first is legal and the second is based upon logistical and practical considerations.

Legal Issues:

It should be noted that this bill is limited to final protective orders. Temporary protective orders are beyond the scope of this bill.

The actions required under the proposed Public Safety §3-531 (B) require law enforcement to notify the victim if a prohibited person, who is the subject of a final protective order between that prohibited person and the victim, failed a background check. This action is unlawful under General Provisions Article §4-325 "... a custodian shall deny inspection of all records of a person authorized to: sell, purchase, rent, or transfer a regulated firearm under Title 5, Subtitle 1 of the Public Safety Article. Such information can be shared with the person who was denied, that person's lawyer and with law enforcement. It cannot be shared with the victim. On this basis alone Senate Bill 753 is not legally feasible.

Logistical Issues:

Public Safety §3-531 (C) protects a law enforcement agency from civil liability if the agency acts in good faith and in a reasonable manner. It provides no civil liability protection whatsoever for the licensee who would be required to report information under Public Safety §5-803(e): "...A LICENSEE IN THE STATE 6 SHALL NOTIFY THE CENTER OF ANY BACKGROUND CHECK DENIALS AS REQUIRED 7 UNDER §§ 5–122 AND 5–123 OF THIS TITLE."

Public Safety §5-123 (E) "...THE LICENSEE SHALL NOTIFY THE MARYLAND STATE 25 POLICE GUN CENTER OF:

- (1) THE IDENTITY OF THE PROSPECTIVE PURCHASER, LESSEE, OR 27 TRANSFEREE;
- (2) THE DATE AND TIME OF THE DENIAL;
- (3) THE LOCATION WHERE THE PROSPECTIVE PURCHASER, LESSEE, OR TRANSFEREE SOUGHT TO OBTAIN THE FIREARM; AND
- (4) THE REASON OR REASONS FOR THE DENIAL

This section requires the licensee to divulge information which is unlawful under General Provisions Article §4-325. Further it requires the licensee to provide the reason for the denial which is not something the licensee has access to.

The bill totally ignores the fact that the Maryland State Police Gun Center is a law enforcement entity and not a public portal. It cannot receive information from non-law enforcement entities.

Public Safety §5-804 requires the Maryland Gun Center to notify multiple agencies when a person is denied under §5-803(E). In addition to creating a logistical burden, this is not part of a law enforcement agencies official duties and appears to violate General Provisions Article §4-325.

The annual reporting requirement creates an additional burden of compiling academic information of questionable value.

The date shown on page 3 of this testimony is based upon data produced by the Courts and the Maryland State Police. It shows the total number of final protective orders issued in 2023 and the small number of persons who were the subject of the order and who attempted to purchase a firearm during the period the final order was valid.

Final Protective Orders Issues in Maryland by Month and Gender

Gender	Female	Male	Unknown
Jan	496	1534	30
Fed	482	1415	23
Mar	580	1714	29
Apr	480	1412	23
May	612	1669	35
June	567	1582	41
July	538	1474	30
Aug	571	1634	22
Sept	520	1480	17
Oct	522	1566	33
Nov	524	1451	26
Dec	472	1356	22
Column Total	6,364	18,287	331
2023 Grand Total		24,982	
2023 Purchase Attempts		23	
Percent of 2023 Total		0.09%	

Protective Order Data Source:

<https://www.courts.state.md.us/eservices/dvmonthlypublicreports>

Purchase Attempt Data Source: Maryland State Police

Taken as a whole, Senate Bill 753 engenders more problems than it actually solves. We recommend an unfavorable report.

John H. Josselyn

2A Maryland

02/27/2024

Public Safety Article 5-101

(g) “Disqualifying crime” means:

- (1) a crime of violence;
- (2) a violation classified as a felony in the State; or
- (3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

(h) (1) “Firearm” means:

- (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive;
- (ii) the frame or receiver of such a weapon; or
- (iii) an unfinished frame or receiver, as defined in § 5–701 of this title.

(2) “Firearm” includes a starter gun.

(i) “Firearm applicant” means a person who makes a firearm application.

(j) “Firearm application” means an application to purchase, rent, or transfer a regulated firearm.

(k) “Fugitive from justice” means a person who has fled to avoid prosecution or giving testimony in a criminal proceeding.

(l) “Habitual drunkard” means a person who has been found guilty of any three crimes under § 21–902(a), (b), or (c) of the Transportation Article, one of which occurred in the past year.

(m) “Habitual user” means a person who has been found guilty of two controlled dangerous substance crimes, one of which occurred in the past 5 years.

(n) (1) “Handgun” means a firearm with a barrel less than 16 inches in length.

(2) “Handgun” includes signal, starter, and blank pistols.

(o) “Handgun qualification license” means a license issued by the Secretary that authorizes a person to purchase, rent, or receive a handgun.

Article - General Provisions

[\[Previous\]](#)[\[Next\]](#)

§4-325.

(a) Except as provided in subsections (b) and (c) of this section, a custodian shall deny inspection of all records of a person authorized to:

(1) sell, purchase, rent, or transfer a regulated firearm under Title 5, Subtitle 1 of the Public Safety Article; or

(2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the Public Safety Article.

(b) A custodian shall allow inspection of firearm or handgun records by:

(1) the individual named in the record; or

(2) the attorney of record of the individual named in the record.

(c) This section may not be construed to prohibit the Department of State Police or the Department of Public Safety and Correctional Services from accessing firearm or handgun records in the performance of that department's official duty.

[\[Previous\]](#)[\[Next\]](#)

2024-SB0753-UNFav.pdf

Uploaded by: Nelda Fink

Position: UNF

SB0753 – UNFAVORABLE

Nelda Fink

MD District 32

So this bill makes absolutely no sense. Why are we wasting out tax money to create a list of people who are willing to have the 2a rights removed from them? If they don't want a firearm they don't have to purchase one. If they are not of sound mind then that would be annotated in the background check and through medical procedures. If they are not sound mind, that's where the guardianship program comes into play. If they want to commit suicide, they will find other means than a firearm or they will borrow one from a friend or steel on. This list seems senseless and is not guaranteed to accomplish anything.

100% OPPOSE this bill.

Thank you.

Nelda Fink

MCPA-MSA_SB 753-Firearm Notification_MD Gun Center

Uploaded by: Andrea Mansfield

Position: INFO



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith Jr., Chair and
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 27, 2024

RE: **SB 753 Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center**

POSITION: LETTER OF INFORMATION

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) are providing this letter of information to the Judiciary Committee concerning SB 753.

This bill would establish a process whereby a victim who holds a final protective order is notified by law enforcement if the individual who is subject to the final protective order is denied from purchasing a firearm because of a background check.

The Department of State Police Licensing Division processes all firearm purchase or transfer applications. Under current law, when an applicant's firearm purchase application is denied, the applicant and dealer are notified, and all denials are sent to the Gun Center for further criminal investigation. Upon completion of the investigation, if further action is warranted, the case is sent to the Firearms Investigation Unit.

SB 753 would require the 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 24 hours. The notice includes personal identifying information (PII) as well as criminal record information and the legislation does not guide as to what the local police agency is supposed to do with the information other than a denial based on a protective order. Additionally, civil liability is created if the notice is not performed timely or the local agencies fail to provide notice to the victim as defined by SB 753.

Advocates anticipate the Victim Information & Notification Everyday (VINE) system being used to provide notification to the victim. However, VINE is a publicly accessible system that does not interact with the Gun Centers application and licensing system. Further complicating the matter is MSP and local law enforcement agencies use encryption programs for their secure communications that VINE does not use. Lastly, MSP does not maintain encryption programs to comply with each law enforcement agency's requirements. To comply with the requirements in SB 753, the MSP will have to develop an automatic notice upon denial so that the Gun Center and local law enforcement agencies are informed in an accurate and timely manner.

MCPA, MSA, and MSP have been meeting with the sponsor to discuss these issues and possible amendments. These discussions are ongoing.

Department of State Police Letter of Information S

Uploaded by: Joey Sybert

Position: INFO



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.

State of Maryland
Department of State Police
Government Affairs Unit
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POSITION ON PROPOSED LEGISLATION

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.