



BILL NO: House Bill 869
TITLE: Public Safety – Firearm Background Checks, Victim Notification, and the Maryland State Police Gun Center
COMMITTEE: Judiciary
HEARING DATE: February 21, 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 House Judiciary Committee to issue a favorable report on HB 869.**

House Bill 869 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 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 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. HB 869 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 **Maryland Network Against Domestic Violence urges a favorable report on HB 869.**

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.>