



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary 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 21, 2024

RE: **HB 869 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 HB 869.

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.

HB 869 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 HB 869.

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 HB 869, 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.