



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

POSITION ON PROPOSED LEGISLATION

DATE: February 5, 2025

BILL NUMBER: Senate Bill 444 **POSITION:** Letter of Information

BILL TITLE: Public Safety – Gun Buyback Programs – Destruction of Firearms

REVIEW AND ANALYSIS

This legislation authorizes a public or private person or entity to operate a gun buyback program. The person or entity may contract with law enforcement, an organization or business partner 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. Due to laws and regulations, that they are subject to, firearms dealers and federal firearm licensees, generally, do not participate in the buybacks.

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 444 does state that a public or private person or entity may operate a gun buyback program on their own. The participation with law enforcement is voluntary. As written, by making law enforcement or an FFL’s participation voluntary, this legislation creates a loophole in the current regulatory scheme. This language creates a new process that allows a public or private person or entity to purchase or accept the transfer of a firearm under the guise of a “gun buyback program” without going through a law enforcement agency, the Department of State Police or the federal NICS background check. This legislation will also allow for a public or private person or entity to hold a gun for an unlimited amount of time before destruction of the firearm and its component parts.

The Department of State Police looks forward to working with the committee on amendments should they wish to move forward with the bill.