

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 584 (Senator Astle)  
Judicial Proceedings

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**Public Safety - Handgun Identification Requirements - Repeal**

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This bill repeals the requirement for (1) handgun manufacturers to provide to handgun dealers shell casings of projectiles discharged from handguns and other specified additional information; (2) handgun dealers to forward shell casings and other specified information to the Department of State Police (DSP) Crime Laboratory; and (3) DSP to enter specified information in a relevant database.

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**Fiscal Summary**

**State Effect:** None. Funding for DSP associated with the existing shell casing requirement has already been eliminated.

**Local Effect:** None.

**Small Business Effect:** Minimal or none.

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**Analysis**

**Current Law:** Any manufacturer that ships or transports a handgun to be sold, rented, or transferred in the State is required to include in the box with the handgun in a separate sealed container (1) a shell casing of a projectile discharged from that handgun and (2) additional information that identifies the type of handgun and shell casing as required by the Secretary of State Police.

Upon receipt of a handgun from the manufacturer, the dealer must confirm to DSP that the manufacturer complied with these requirements. Upon the sale or transfer of the handgun, the dealer is required to forward the sealed container to the State Police Crime

Laboratory. Upon receipt of the shell casing and required information, the State Police Crime Laboratory must enter the information in all pertinent databases.

Any dealer or person who knowingly participates in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of provisions governing regulated firearms is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000. Each violation must be considered a separate offense.

These provisions became law under Chapter 2 of 2000, the Responsible Gun Safety Act of 2000.

**Background:** The DSP digital shell casing information program applicable to firearms manufacturers that resulted from Chapter 2 of 2000 has been largely defunct for several years. Technicians formerly assigned to the program have already been reassigned. Only 26 crimes have been solved to date through the data submitted under Chapter 2. Crime scene ballistics data collections continue.

Since the early 1990s, the federal government has been operating computer systems able to process both bullets and shell casings, also referred to as the Integrated Ballistics Identification System (IBIS) and originally known as the National Integrated Ballistics Information Network (NIBIN). This information is based on ballistic evidence obtained at crime scenes and does not include shell casings from newly manufactured guns.

A September 2003 report on MD-IBIS by DSP's Forensic Sciences Division acknowledged several "major problems" with the system required under Chapter 2: (1) some cartridge casings submitted by Glock Company may have been unreliable; (2) the remote station did not work properly thus preventing connection with outside agencies; (3) a memorandum of understanding between the Bureau of Alcohol, Tobacco, and Firearms and State and local law enforcement agencies prohibits the linking of NIBIN to any State or local system, such as IBIS; and (4) guns being submitted by manufacturers are not generally the types of guns usually linked to crime scenes. In addition, a California study of ballistic fingerprinting operations in both New York and Maryland was critical of such state operations for several technical and operational reasons, including a concern that markings on cartridge casings may be changed or altered by a gun user.

A 2004 progress report concluded that "The MD-IBIS Program, for all its good intentions, has not proven to be a time saving tool for the Firearms Examiner or an investigative enhancement to the criminal investigator." The program was subsequently suspended, and laboratory technicians associated with the program were reassigned to the DNA database unit.

**Additional Comments:** Chapter 427 of 2013 (the Firearm Safety Act of 2013) created a new licensing scheme for handguns under the licensing authority of DSP. DSP recently promulgated regulations to implement the Act's provisions related to this new license. A "handgun qualification license" authorizes a person to purchase, rent, or receive a handgun.

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### **Additional Information**

**Prior Introductions:** SB 424 of 2005 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. SB 662 of 2004 received a hearing in the Senate Judicial Proceedings Committee but was subsequently withdrawn. Its cross file, HB 251, received a hearing in the House Judiciary Committee but was subsequently withdrawn.

**Cross File:** HB 715 (Delegate Smigiel, *et al.*) - Judiciary.

**Information Source(s):** Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2014  
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Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510