

# HOUSE BILL 846

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By: **Delegates Rey, Carey, McConkey, Morgan, Patterson, and Simonaire**  
Introduced and read first time: February 8, 2016  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Crime Gun Reporting and Analysis**

3 FOR the purpose of requiring a certain law enforcement agency to report certain  
4 information to the Department of State Police within a certain period of time after  
5 the seizure or recovery of a firearm relating to a crime, with certain exceptions;  
6 requiring the Department to submit a certain report and statistical analysis to the  
7 General Assembly on or before a certain date annually; specifying the information to  
8 be included in the report; requiring the Department to report certain noncompliance  
9 by a law enforcement agency to the Office of the Attorney General; requiring the  
10 Office of the Attorney General to contact a certain law enforcement agency and  
11 request compliance; providing that a certain chief or sheriff is subject to a certain  
12 civil fine under certain circumstances; defining a certain term; and generally relating  
13 to firearms.

14 BY adding to

15 Article – Public Safety

16 Section 5–601 through 5–604 to be under the new subtitle “Subtitle 6. Crime Gun  
17 Reporting and Analysis”

18 Annotated Code of Maryland

19 (2011 Replacement Volume and 2015 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – Public Safety**

23 **SUBTITLE 6. CRIME GUN REPORTING AND ANALYSIS.**

24 **5–601.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           IN THIS SUBTITLE, “DEPARTMENT” MEANS THE DEPARTMENT OF STATE  
2 POLICE.

3 **5-602.**

4           **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WITHIN 24**  
5 **HOURS AFTER THE SEIZURE OR RECOVERY OF A FIREARM RELATING TO A CRIME,**  
6 **THE LAW ENFORCEMENT AGENCY THAT SEIZED OR RECOVERED THE FIREARM**  
7 **SHALL REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT:**

8                   **(1) A FULL IDENTIFICATION AND DESCRIPTION OF THE FIREARM;**

9                   **(2) THE TYPE OF CRIMINAL OFFENSE IN CONNECTION WITH WHICH**  
10 **THE FIREARM WAS SEIZED OR RECOVERED;**

11                   **(3) IDENTIFYING INFORMATION FOR EACH PERSON ARRESTED IN**  
12 **CONNECTION WITH OR OTHERWISE INVOLVED IN THE FIREARM SEIZURE OR**  
13 **RECOVERY, INCLUDING NAME, DATE OF BIRTH, GENDER, RACE, AND ADDRESS;**

14                   **(4) A DESCRIPTION OF ANY VEHICLE INVOLVED IN THE FIREARM**  
15 **SEIZURE OR RECOVERY;**

16                   **(5) THE ADDRESS OR LOCATION WHERE THE FIREARM SEIZURE OR**  
17 **RECOVERY OCCURRED;**

18                   **(6) THE POSSESSORY INTEREST IN THE FIREARM OF THE PERSON**  
19 **FROM WHOM THE FIREARM WAS SEIZED;**

20                   **(7) THE INVESTIGATING OFFICER’S NAME AND IDENTIFICATION**  
21 **NUMBER; AND**

22                   **(8) ANY ADDITIONAL INFORMATION REQUESTED BY THE**  
23 **DEPARTMENT.**

24           **(B) A LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO REPORT:**

25                   **(1) THE VOLUNTARY SURRENDER OF A FIREARM FROM AN ESTATE;**

26                   **(2) A FIREARM THAT:**

27                           **(I) IS ABANDONED OR FOUND UNATTENDED AND HAS NOT BEEN**  
28 **REPORTED STOLEN; AND**

1 (II) HAS NO KNOWN CONNECTION TO A CRIME; OR

2 (3) THE TEMPORARY SURRENDER OR SEIZURE OF A FIREARM WITH  
3 NO CONNECTION TO A CRIMINAL INVESTIGATION.

4 **5-603.**

5 (A) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL  
6 SUBMIT A REPORT AND STATISTICAL ANALYSIS ON ALL FIREARMS RELATING TO A  
7 CRIME RECOVERED IN THE STATE DURING THE PREVIOUS CALENDAR YEAR TO THE  
8 GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
9 ARTICLE.

10 (B) THE REPORT SHALL INCLUDE:

11 (1) THE NUMBER, MAKE, AND TYPE OF FIREARMS RECOVERED,  
12 BROKEN DOWN BY CITY, COUNTY, REGION, AND TOTAL STATEWIDE RECOVERIES;

13 (2) THE NUMBER OF FIREARMS THAT WERE SEIZED FROM  
14 PROHIBITED PERSONS, BY TYPE;

15 (3) THE NUMBER OF FIREARMS THAT WERE SEIZED FROM  
16 PROHIBITED PERSONS WITH A PRIOR MARYLAND FELONY CONVICTION, BY TYPE;

17 (4) THE NUMBER OF FIREARMS RECOVERED THAT WERE STOLEN,  
18 WHETHER OR NOT FORMALLY REPORTED AS STOLEN;

19 (5) THE NUMBER OF FIREARMS RECOVERED WITH NO SERIAL  
20 NUMBER OR AN OBLITERATED SERIAL NUMBER;

21 (6) THE NUMBER OF FIREARMS, BY TYPE, RECOVERED AFTER BEING  
22 SUSPECTED OF HAVING BEEN USED TO COMMIT A SUICIDE;

23 (7) THE NUMBER OF FIREARMS SEIZED FROM PERSONS WHO ARE  
24 PROHIBITED FROM POSSESSING FIREARMS DUE TO MENTAL ILLNESS;

25 (8) THE NUMBER OF FIREARMS, BY TYPE, RECOVERED BY EACH LAW  
26 ENFORCEMENT AGENCY;

27 (9) THE NUMBER OF FIREARMS RECOVERED IN A COUNTY OTHER  
28 THAN THE COUNTY WHERE THE FIREARM ORIGINATED; AND

1           **(10) FOR EACH FIREARM RECOVERED IN BALTIMORE CITY IN**  
2 **CONNECTION WITH THE ARREST OF A SUSPECT, A DESCRIPTION OF THE CHARGES**  
3 **FILED AGAINST THE SUSPECT, THE DISPOSITION OF THE CHARGES, AND ANY**  
4 **SENTENCE IMPOSED.**

5           **(C) FOR PURPOSES OF REPORTING THE ITEMS SET FORTH IN SUBSECTION**  
6 **(B) OF THIS SECTION, THE TYPE OF GUN SHALL BE IDENTIFIED AS RIFLE,**  
7 **SEMI-AUTOMATIC RIFLE, SHOTGUN, SEMI-AUTOMATIC SHOTGUN, HANDGUN,**  
8 **SEMI-AUTOMATIC HANDGUN, ASSAULT RIFLE AS DEFINED UNDER CURRENT**  
9 **MARYLAND LAW, AND FULLY AUTOMATIC MACHINE GUN.**

10 **5-604.**

11           **(A) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**  
12 **REPORTING PROVISIONS OF THIS SUBTITLE:**

13           **(1) THE DEPARTMENT SHALL REPORT THE NONCOMPLIANCE TO THE**  
14 **OFFICE OF THE ATTORNEY GENERAL; AND**

15           **(2) THE OFFICE OF THE ATTORNEY GENERAL SHALL CONTACT THE**  
16 **LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE**  
17 **REQUIRED REPORTING PROVISIONS.**

18           **(B) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**  
19 **REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING CONTACTED BY**  
20 **THE OFFICE OF THE ATTORNEY GENERAL, THE CHIEF OR SHERIFF OF THE LAW**  
21 **ENFORCEMENT AGENCY IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$1,000.**

22           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
23 1, 2016.