

# HOUSE BILL 813

E4, E1

8lr0968

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By: **Delegates Mosby, Ali, Frush, Hill, R. Lewis, Moon, Morales, Platt, and Sanchez**  
Introduced and read first time: February 1, 2018  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Community Program Fund – Firearm Laws**

3 FOR the purpose of altering the purpose of the Community Program Fund to include a  
4 study of the enforcement and effects of State firearm laws; requiring that, in certain  
5 fiscal years, a certain amount of money from the Fund be used to provide grants for  
6 a comprehensive study of the enforcement and effects of certain firearm laws;  
7 requiring the Executive Director of the Governor’s Office of Crime Control and  
8 Prevention to establish a process for the award of certain grant funds; requiring that  
9 certain grant funds be awarded on or before a certain date in certain fiscal years;  
10 requiring the study be submitted to the General Assembly on or before a certain date;  
11 establishing the standards and requirements for a certain study; providing for the  
12 termination of this Act; defining certain terms; and generally relating to altering the  
13 purpose of the Community Program Fund and a study of firearm laws.

14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 4–702 and 4–703  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2017 Supplement)

19 BY adding to  
20 Article – Public Safety  
21 Section 5–136.1  
22 Annotated Code of Maryland  
23 (2011 Replacement Volume and 2017 Supplement)

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

26 **Article – Public Safety**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 4-702.

2 (a) There is a Community Program Fund.

3 (b) The purpose of the Fund is to [assist]:

4 (1) ASSIST local law enforcement agencies in establishing community  
5 programs; [and]

6 (2) ASSIST agencies of a local government in establishing violence  
7 intervention programs; AND

8 **(3) STUDY THE ENFORCEMENT AND EFFECTS OF STATE FIREARM**  
9 **LAWS.**

10 (c) The Executive Director shall administer the Fund.

11 (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of  
12 the State Finance and Procurement Article.

13 (2) The State Treasurer shall hold the Fund separately and the  
14 Comptroller shall account for the Fund, in conjunction with the Executive Director.

15 (e) (1) The Fund consists of:

16 (i) money appropriated in the State budget to the Fund;

17 (ii) investment earnings of the Fund; and

18 (iii) money from any other source accepted for the benefit of the Fund.

19 (2) For fiscal year 2018 and each fiscal year thereafter, the Governor shall  
20 include in the annual budget bill an appropriation to the Fund of \$500,000.

21 (f) (1) The Fund may be used only to make grants as provided under this  
22 subtitle.

23 (2) **[The] EXCEPT AS PROVIDED IN § 5-136.1 OF THIS ARTICLE, THE**  
24 **Fund may not be used for administrative expenses.**

25 **(3) IN ACCORDANCE WITH § 5-136.1 OF THIS ARTICLE, IN EACH OF**  
26 **FISCAL YEARS 2019 AND 2020, \$100,000 SHALL BE USED TO PROVIDE GRANTS FOR**  
27 **A COMPREHENSIVE STUDY OF THE ENFORCEMENT AND EFFECTS OF STATE FIREARM**  
28 **LAWS.**

29 (g) (1) The State Treasurer shall invest the money of the Fund in the same

1 manner as other State money may be invested.

2 (2) Any investment earnings of the Fund shall be paid into the Fund.

3 4-703.

4 (a) **[The] EXCEPT AS PROVIDED IN § 5-136.1 OF THIS ARTICLE, THE**  
5 Executive Director shall establish procedures for agencies to apply for money from the  
6 Fund.

7 (b) **[An] EXCEPT AS PROVIDED IN § 5-136.1 OF THIS ARTICLE, AN** agency that  
8 applies for money from the Fund shall provide the Executive Director with:

9 (1) a description of the activities and functions of the community program  
10 for which the money is requested;

11 (2) the eligibility requirements for participation in the community  
12 program;

13 (3) the number of participants in the community program; and

14 (4) any other information that the Executive Director considers necessary.

15 (c) (1) The Executive Director shall make grants from the Fund to:

16 (i) local law enforcement agencies to support community programs;  
17 **[and]**

18 (ii) agencies of a local government to support violence intervention  
19 programs; **AND**

20 **(III) AN ENTITY IN ACCORDANCE WITH § 5-136.1 OF THIS**  
21 **ARTICLE.**

22 (2) **[The] EXCEPT AS PROVIDED IN § 5-136.1 OF THIS ARTICLE, THE**  
23 amount of each grant shall be in proportion to the number of agencies that apply for money  
24 from the Fund.

25 (d) **[The agency] AN AGENCY OR ENTITY** shall submit to the Executive Director  
26 proof of expenditures of the grant for the community program.

27 (e) Money distributed under this subtitle shall be used to supplement and not  
28 supplant any other funding for a community program.

29 (f) The Governor's Office of Crime Control and Prevention and the Maryland  
30 Police Training and Standards Commission shall provide technical assistance to agencies

1 in applying for:

- 2 (1) money from the Fund; or  
3 (2) other federal, State, or private grants for community programs.

4 **5-136.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) (I) "FIREARM LAW" MEANS A LAW THAT IS IN PLACE TO  
8 PREVENT OR DISCOURAGE FIREARM ACCESS TO THOSE INDIVIDUALS CONVICTED OF  
9 A DISQUALIFYING CRIME.

10 (II) "FIREARM LAW" INCLUDES A LAW THAT:

11 1. REQUIRES A BACKGROUND CHECK FOR THE  
12 PURCHASE OF A REGULATED FIREARM;

13 2. PROHIBITS AN INDIVIDUAL FROM ACCESSING OR  
14 OBTAINING A REGULATED FIREARM THROUGH A STRAW PURCHASE;

15 3. REQUIRES AN INDIVIDUAL OR A DEALER TO REPORT  
16 TO THE APPROPRIATE AUTHORITY THE LOSS OR THEFT OF A REGULATED FIREARM;  
17 AND

18 4. REQUIRES AN INDIVIDUAL OR A DEALER TO MAINTAIN  
19 RECORDS REGARDING THE SALE OF A REGULATED FIREARM.

20 (3) "TRACE INFORMATION" MEANS INFORMATION GATHERED FROM  
21 TRACKING THE MOVEMENT OF A FIREARM FROM ITS FIRST SALE BY THE  
22 MANUFACTURER OR IMPORTER THROUGH THE DISTRIBUTION CHAIN TO THE FIRST  
23 RETAIL PURCHASE.

24 (B) (1) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF  
25 CRIME CONTROL AND PREVENTION SHALL ESTABLISH A PROCESS FOR THE AWARD  
26 OF GRANT FUNDS PROVIDED UNDER § 4-702(F)(3) OF THIS ARTICLE FOR A  
27 COMPREHENSIVE STUDY OF THE ENFORCEMENT AND EFFECTS OF STATE FIREARM  
28 LAWS.

29 (2) THE FUNDS SHALL BE AWARDED ON OR BEFORE JULY 31 IN EACH  
30 OF FISCAL YEARS 2019 AND 2020 TO A SINGLE ENTITY THAT HAS EXTENSIVE  
31 EXPERIENCE STUDYING FIREARM LAWS AND FIREARM LAW ENFORCEMENT.

1           **(C) A STUDY FOR WHICH GRANT FUNDS ARE AWARDED UNDER SUBSECTION**  
2 **(B) OF THIS SECTION SHALL:**

3           **(1) BE SUBMITTED TO THE GENERAL ASSEMBLY, IN ACCORDANCE**  
4 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE DECEMBER**  
5 **31, 2019;**

6           **(2) PROVIDE A COMPILATION OF THE DATA REQUIRED UNDER THIS**  
7 **SUBSECTION AT THE COUNTY LEVEL AND STATEWIDE; AND**

8           **(3) CONSIDER AND INCLUDE, AT A MINIMUM, THE FOLLOWING**  
9 **INFORMATION FOR THE MOST RECENT 10-YEAR PERIOD:**

10                   **(I) FOR CASES INVOLVING MURDER OR ATTEMPTED MURDER:**

11                           **1. TRACE INFORMATION REGARDING THE ORIGIN OF**  
12 **PURCHASE OF THE REGULATED FIREARM;**

13                           **2. THE CHAIN OF OWNERSHIP OF THE REGULATED**  
14 **FIREARM; AND**

15                           **3. THE LOCATION OF THE MURDER OR ATTEMPTED**  
16 **MURDER;**

17                           **(II) THE FREQUENCY, DISPOSITION, AND SENTENCING**  
18 **OUTCOME OF CASES IN WHICH AN INDIVIDUAL CONVICTED OF A DISQUALIFYING**  
19 **CRIME IS CHARGED WITH THE VIOLATION OF A FIREARM LAW;**

20                           **(III) THE OUTCOME OF ANY INSPECTIONS OF DEALERS,**  
21 **INCLUDING ANY DEALER VIOLATIONS AND THE RESPONSE TO THE VIOLATIONS; AND**

22                           **(IV) ANY OTHER INFORMATION THAT THE ENTITY THAT**  
23 **RECEIVES THE GRANT AWARD CONSIDERS NECESSARY.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
25 1, 2018. It shall remain effective for a period of 2 years and, at the end of June 30, 2020,  
26 this Act, with no further action required by the General Assembly, shall be abrogated and  
27 of no further force and effect.