

HOUSE BILL 1186

E4

(11r2406)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Clippinger**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Office of the Attorney General – Firearm Crime, Injuries, Fatalities, and Crime**
3 **Firearms – Study Extension**

4 FOR the purpose of altering certain dates by which the Office of the Attorney General is
5 required to provide certain reports to the Governor and the General Assembly
6 relating to firearm crimes, firearm injuries and fatalities, and crime firearms;
7 authorizing the Office of the Attorney General to access certain information from the
8 District Court concerning certain protective orders for a certain purpose; requiring an
9 additional report to be submitted by the Office of the Attorney General under a
10 certain Act; extending the termination date of a certain Act; and generally relating
11 to crimes involving firearms, injuries and fatalities caused by firearms, and crime
12 firearms.

13 BY repealing and reenacting, with amendments,
14 Chapter 491 of the Acts of the General Assembly of 2020

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 1 and 2

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

4 **Chapter 491 of the Acts of 2020**

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
6 That:

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) "Crime firearm" means a firearm that is:

9 (i) used in the commission of a crime of violence, as defined in §
10 5–101 of the Public Safety Article; or

11 (ii) recovered by law enforcement in connection with illegal firearm
12 possession, transportation, or transfer.

13 (3) "Firearm crime" means a crime of violence, as defined in §
14 5–101 of the Public Safety Article, involving the use of a firearm.

15 (4) "Firearm injury and fatality" means an injury or fatality caused by a
16 firearm.

17 (b) The Office of the Attorney General shall:

18 (1) study information regarding firearm crimes committed in the State
19 since August 1, 2015, including:

20 (i) the number and types of firearm crimes;

21 (ii) the jurisdictions where the firearm crimes occurred; and

22 (iii) 9–1–1 requests for emergency assistance involving firearm
23 crimes;

24 (2) identify, for each 9–1–1 request for emergency assistance involving a
25 firearm crime:

26 (i) the jurisdiction;

27 (ii) whether any arrests were made and, if so, the age of each
28 individual arrested;

1 (iii) whether any charges were filed and, if so, the specific crimes
2 charged, disposition of each charge, and the age of each individual charged; and

3 (iv) the type of firearm recovered and whether the firearm had a
4 serial number;

5 (3) study information regarding firearm injuries and fatalities occurring in
6 the State since July 1, 2020, including:

7 (i) whether persons injured or killed were minors or adults;

8 (ii) the jurisdiction where the injuries or fatalities occurred; and

9 (iii) whether the injuries or fatalities occurred as a result of suicides,
10 accidents, or homicides; and

11 (4) with regard to crime firearms:

12 (i) study information regarding crime firearms in the State,
13 including:

14 1. the number and types of crime firearms;

15 2. the sources of the crime firearms, including the importer,
16 dealer, and first purchaser for all recovered crime firearms; and

17 3. the jurisdictions where crime firearms were recovered;

18 (ii) report the crimes committed with crime firearms by jurisdiction,
19 including:

20 1. the number of charges and convictions for:

21 A. crimes of violence;

22 B. illegal transfers;

23 C. illegal possession;

24 D. illegal transportation; and

25 E. straw purchases; and

26 2. the number and types of criminal charges associated with
27 a crime firearm;

1 (iii) compile all available information and data regarding the source
2 of crime firearms, including:

3 1. for out-of-state crime firearms:

4 A. the country, state, or city of origin; and

5 B. the location in the State where the crime firearm was
6 recovered;

7 2. for in-State crime firearms:

8 A. the jurisdiction of origin; and

9 B. the location where the crime firearm was recovered;

10 3. information on the top 10 dealers of crime firearms in the
11 State, including:

12 A. names;

13 B. locations; and

14 C. the dates and outcomes of audits conducted by the
15 Maryland State Police of the dealers; and

16 4. the 10 states where the most crime firearms recovered in
17 the State originated, including a comparison of the other states' firearm laws regarding:

18 A. licensing;

19 B. background checks;

20 C. waiting periods;

21 D. straw purchases; and

22 E. concealed carry laws;

23 (iv) collect information on the length of time between the origination
24 and recovery of a crime firearm; and

25 (v) gather information regarding whether the individuals found in
26 possession of crime firearms were previously prohibited from possessing a firearm.

1 (c) All State and local law enforcement agencies and other governmental units
2 shall provide the Office of the Attorney General with any and all information necessary to
3 complete the study.

4 **(D) (1) NOTWITHSTANDING THE PROVISIONS OF § 5-602(C) OF THE**
5 **PUBLIC SAFETY ARTICLE CONCERNING ACCESS TO INFORMATION RELATED TO**
6 **PROTECTIVE ORDERS, THE OFFICE OF THE ATTORNEY GENERAL MAY ACCESS**
7 **INFORMATION FROM THE DISTRICT COURT FOR THE PURPOSE OF PROVIDING A**
8 **REVIEW OF PROTECTIVE ORDER PETITIONS AND RELATED INFORMATION FOR**
9 **RESEARCH PURPOSES TO DETERMINE HOW THESE ORDERS ARE BEING USED AND**
10 **THE IMPACT, IF ANY, ON THE INCIDENCE OF HOMICIDES, ASSAULTS, AND SUICIDES**
11 **BY FIREARMS IN THE STATE SINCE THE ENACTMENT OF TITLE 5, SUBTITLE 6 OF THE**
12 **PUBLIC SAFETY ARTICLE, AND THE IMPACT OF THAT LAW AS COMPARED TO SIMILAR**
13 **ENACTMENTS IN OTHER STATES.**

14 **(2) ALL INDIVIDUAL IDENTIFYING INFORMATION REVIEWED AND**
15 **RESEARCHED UNDER THIS SECTION SHALL REMAIN CONFIDENTIAL AND ANY**
16 **REPORT, STUDY, OR OTHER USE OF THE INFORMATION SHALL MAINTAIN THE STRICT**
17 **CONFIDENTIALITY OF ANY INDIVIDUAL IDENTIFYING INFORMATION REVIEWED**
18 **UNDER THE AUTHORITY OF THIS SECTION.**

19 **(3) THE OFFICE OF THE ATTORNEY GENERAL MAY DELEGATE THE**
20 **REVIEW AND RESEARCH UNDERTAKEN UNDER THE AUTHORITY OF THIS SECTION TO**
21 **A RECOGNIZED RESEARCH INSTITUTION LOCATED IN THE STATE OF MARYLAND.**

22 ~~(E)~~ **(E)** (1) On or before December 1, [2020] **2021**, the Office of the Attorney
23 General shall report its findings and conclusions with regard to firearm crimes committed,
24 firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2015,
25 through July 31, 2019, to the Governor and, in accordance with § 2-1257 of the State
26 Government Article, the General Assembly.

27 (2) On or before December 1, [2021] **2022**, the Office of the Attorney
28 General shall report its findings and conclusions with regard to firearm crimes committed,
29 firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2019,
30 through July 31, 2020, to the Governor and, in accordance with § 2-1257 of the State
31 Government Article, the General Assembly.

32 (3) On or before December 1, [2022] **2023**, the Office of the Attorney
33 General shall report its findings and conclusions with regard to firearm crimes committed,
34 firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2020,
35 through July 31, 2021, to the Governor and, in accordance with § 2-1257 of the State
36 Government Article, the General Assembly.

37 **(4) ON OR BEFORE DECEMBER 1, 2024, THE OFFICE OF THE**
38 **ATTORNEY GENERAL SHALL REPORT ITS FINDINGS AND CONCLUSIONS WITH**

1 REGARD TO FIREARM CRIMES COMMITTED, FIREARM INJURIES AND FATALITIES
2 OCCURRING, AND CRIME FIREARMS RECOVERED FROM AUGUST 1, 2021, THROUGH
3 JULY 31, 2022, TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE
4 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2020. It shall remain effective for a period of [2 years] 4 YEARS and 7 months and, at
7 the end of December 31, [2022] 2024, this Act, with no further action required by the
8 General Assembly, shall be abrogated and of no further force and effect.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.