

HOUSE BILL 869

E4

4lr2243
CF SB 753

By: **Delegate Bartlett**

Introduced and read first time: February 2, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Firearm Background Checks, Victim Notification, and the**
3 **Maryland State Police Gun Center**

4 FOR the purpose of requiring a law enforcement agency that receives a certain report of a
5 prohibited person failing a background check to notify certain victims; requiring the
6 Secretary of State Police to notify the Maryland State Police Gun Center of certain
7 information if the Secretary disapproves a firearm application because a prospective
8 purchaser, lessee, or transferee failed a background check; requiring a licensed
9 firearms dealer to notify the Center of certain information if the dealer does not sell,
10 rent, or transfer a regulated firearm because the prospective purchaser, lessee, or
11 transferee failed a background check; altering the screening, tracking, and vetting
12 requirements of the Center to include background check denials for all firearm
13 applicants in the State; requiring the Center to notify certain law enforcement
14 agencies of certain background check denials in a certain manner; and generally
15 relating to firearm background checks, victim notification, and the Maryland State
16 Police Gun Center.

17 BY adding to
18 Article – Public Safety
19 Section 3–531
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Public Safety
24 Section 5–101(a), (e), (p), and (u)
25 Annotated Code of Maryland
26 (2022 Replacement Volume and 2023 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 5–122, 5–123, and 5–801 through 5–804
2 Annotated Code of Maryland
3 (2022 Replacement Volume and 2023 Supplement)

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

6 **Article – Public Safety**

7 **3–531.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) “FINAL PROTECTIVE ORDER” HAS THE MEANING STATED IN §
11 4–501 OF THE FAMILY LAW ARTICLE.

12 (3) “PROHIBITED PERSON” MEANS A PERSON WHO FAILS A
13 BACKGROUND CHECK BECAUSE OF A FINAL PROTECTIVE ORDER OR VIOLATING A
14 PROTECTIVE ORDER.

15 (4) “VICTIM” MEANS A HOLDER OF A FINAL PROTECTIVE ORDER.

16 (B) IF A LAW ENFORCEMENT AGENCY RECEIVES A REPORT OF A
17 PROHIBITED PERSON FAILING A BACKGROUND CHECK IN ACCORDANCE WITH 18
18 U.S.C. § 925B OR § 5–804(C) OF THIS ARTICLE, THE LAW ENFORCEMENT AGENCY
19 SHALL IMMEDIATELY NOTIFY THE VICTIM IF THE PROHIBITED PERSON FAILED THE
20 BACKGROUND CHECK BECAUSE OF:

21 (1) A FINAL PROTECTIVE ORDER BETWEEN THE PROHIBITED PERSON
22 AND THE VICTIM; OR

23 (2) VIOLATING A FINAL PROTECTIVE ORDER BETWEEN THE
24 PROHIBITED PERSON AND THE VICTIM.

25 (C) A LAW ENFORCEMENT AGENCY ACTING UNDER THIS SECTION SHALL BE
26 IMMUNE FROM CIVIL LIABILITY IF THE LAW ENFORCEMENT AGENCY ACTS IN GOOD
27 FAITH AND IN A REASONABLE MANNER.

28 5–101.

29 (a) In this subtitle the following words have the meanings indicated.

30 (e) “Dealer’s license” means a State regulated firearms dealer’s license.

1 (p) "Licensee" means a person who holds a dealer's license.

2 (u) "Secretary" means the Secretary of State Police or the Secretary's designee.

3 5-122.

4 (a) The Secretary shall disapprove a firearm application if:

5 (1) the Secretary determines that the firearm applicant supplied false
6 information or made a false statement;

7 (2) the Secretary determines that the firearm application is not properly
8 completed; or

9 (3) the Secretary receives written notification from the firearm applicant's
10 licensed attending physician that the firearm applicant suffers from a mental disorder and
11 is a danger to the firearm applicant or to another.

12 (b) (1) If the Secretary disapproves a firearm application, the Secretary shall
13 notify the prospective seller, lessor, or transferor in writing of the disapproval within 7 days
14 after the date that the executed firearm application is forwarded to the Secretary by
15 certified mail or facsimile machine.

16 (2) After notifying the prospective seller, lessor, or transferor under
17 paragraph (1) of this subsection, the Secretary shall notify the prospective purchaser,
18 lessee, or transferee in writing of the disapproval.

19 (3) The date when the prospective seller, lessor, or transferor forwards the
20 executed firearm application to the Secretary by certified mail or by facsimile machine is
21 the first day of the 7-day period allowed for notice of disapproval to the prospective seller,
22 lessor, or transferor.

23 **(C) IF THE SECRETARY DISAPPROVES A FIREARM APPLICATION BECAUSE**
24 **THE PROSPECTIVE PURCHASER, LESSEE, OR TRANSFEREE FAILED TO PASS A**
25 **BACKGROUND CHECK, THE SECRETARY SHALL NOTIFY THE MARYLAND STATE**
26 **POLICE GUN CENTER OF:**

27 **(1) THE IDENTITY OF THE PROSPECTIVE PURCHASER, LESSEE, OR**
28 **TRANSFEREE;**

29 **(2) THE DATE AND TIME OF THE DENIAL;**

30 **(3) THE LOCATION WHERE THE PROSPECTIVE PURCHASER, LESSEE,**
31 **OR TRANSFEREE SOUGHT TO OBTAIN THE FIREARM; AND**

32 **(4) THE REASON OR REASONS FOR THE DENIAL.**

1 5-123.

2 (a) A licensee may not sell, rent, or transfer a regulated firearm until after 7 days
3 following the time a firearm application is executed by the firearm applicant, in triplicate,
4 and the original is forwarded by the prospective seller or transferor to the Secretary.

5 (b) A licensee shall complete the sale, rental, or transfer of a regulated firearm
6 within 90 days after the firearm application was stamped by the Secretary as not being
7 disapproved.

8 (c) (1) If the sale, rental, or transfer of a regulated firearm is not completed
9 within 90 days after the firearm application was stamped by the Secretary as not being
10 disapproved, a licensee shall return the firearm application to the Secretary within 7 days.

11 (2) The Secretary shall void a firearm application returned under
12 paragraph (1) of this subsection as an incomplete sale, rental, or transfer.

13 (d) (1) (i) A licensee who sells, rents, or transfers a regulated firearm in
14 compliance with this subtitle shall forward a copy of the written notification of the
15 completed transaction to the Secretary within 7 days after delivery of the regulated firearm.

16 (ii) The notification shall contain an identifying description of the
17 regulated firearm, including its caliber, make, model, any manufacturer's serial number,
18 and any other special or peculiar characteristic or marking by which the regulated firearm
19 may be identified.

20 (2) The Secretary shall maintain a permanent record of all notifications
21 received of completed sales, rentals, and transfers of regulated firearms in the State.

22 **(E) IF A LICENSEE DOES NOT SELL OR TRANSFER A REGULATED FIREARM**
23 **TO A PROSPECTIVE PURCHASER, LESSEE, OR TRANSFEREE BECAUSE THE**
24 **PROSPECTIVE PURCHASER, LESSEE, OR TRANSFEREE FAILED TO PASS A**
25 **BACKGROUND CHECK, THE LICENSEE SHALL NOTIFY THE MARYLAND STATE**
26 **POLICE GUN CENTER OF:**

27 **(1) THE IDENTITY OF THE PROSPECTIVE PURCHASER, LESSEE, OR**
28 **TRANSFEREE;**

29 **(2) THE DATE AND TIME OF THE DENIAL;**

30 **(3) THE LOCATION WHERE THE PROSPECTIVE PURCHASER, LESSEE,**
31 **OR TRANSFEREE SOUGHT TO OBTAIN THE FIREARM; AND**

32 **(4) THE REASON OR REASONS FOR THE DENIAL.**

1 5–801.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) “Center” means the Maryland State Police Gun Center.

4 (c) “Crime firearm” means a firearm that is:

5 (1) used in the commission of a crime of violence, as defined in § 5–101 of
6 this title; or

7 (2) recovered by a law enforcement agency in connection with illegal
8 firearm possession, transportation, or transfer.

9 (d) “Department” means the Department of State Police.

10 (e) “Federally licensed firearms dealer” means a person licensed by the federal
11 Bureau of Alcohol, Tobacco, Firearms and Explosives to deal in firearms.

12 (f) “Federally licensed firearms importer” means a person licensed by the federal
13 Bureau of Alcohol, Tobacco, Firearms and Explosives to import firearms.

14 (g) “Final protective order” has the meaning stated in § 4–501 of the Family Law
15 Article.

16 (h) “Law enforcement agency” has the meaning stated in § 3–201 of this article.

17 **(I) “LICENSEE” HAS THE MEANING STATED IN § 5–101 OF THIS TITLE.**

18 5–802.

19 (a) The Center is established within the Department as a statewide firearms
20 enforcement center for the tracking, screening, and vetting of all:

21 (1) firearm crimes committed in the State; [and]

22 (2) firearms surrendered under final protective orders in the State; **AND**

23 **(3) BACKGROUND CHECK DENIALS FOR FIREARM APPLICANTS IN THE**
24 **STATE.**

25 (b) This subtitle shall be liberally construed and applied to promote its underlying
26 purposes and policies.

27 5–803.

1 (a) The Center shall create and maintain a statewide database to track
2 information on crimes committed with crime firearms [and], firearms surrendered under
3 final protective orders in the State, **AND BACKGROUND CHECK DENIALS FOR FIREARM**
4 **APPLICANTS IN THE STATE.**

5 (b) Each law enforcement agency shall report to the Center the following
6 information on crimes committed in the jurisdiction of the law enforcement agency with
7 crime firearms:

8 (1) the number and type of crime firearms;

9 (2) the jurisdictions where crime firearms are recovered;

10 (3) the sources of the crime firearms recovered, if discoverable, including:

11 (i) the federally licensed firearms importer;

12 (ii) the federally licensed firearms dealer; and

13 (iii) the first purchaser of the crime firearm;

14 (4) information regarding the individual found in possession of the crime
15 firearm, including:

16 (i) the individual's age;

17 (ii) the individual's jurisdiction of residence;

18 (iii) the jurisdiction where the individual is charged; and

19 (iv) whether the individual was prohibited from possessing a firearm;

20 and

21 (5) any other information requested by the Center.

22 (c) Each law enforcement agency shall report to the Center the following
23 information on firearms surrendered under final protective orders issued in the jurisdiction
24 of the law enforcement agency:

25 (1) the number and type of firearms;

26 (2) the jurisdictions where firearms are surrendered; and

27 (3) information regarding the individual who surrendered each firearm,
28 including:

29 (i) the individual's age;

1 (ii) the individual's jurisdiction of residence; and

2 (iii) any other information requested by the Center.

3 (d) The Center may require a law enforcement agency to report any other
4 information relating to firearm crimes committed in the jurisdiction of the law enforcement
5 agency to assist the Center in the tracking of firearm crimes committed in the State.

6 (e) **THE SECRETARY OF STATE POLICE AND A LICENSEE IN THE STATE**
7 **SHALL NOTIFY THE CENTER OF ANY BACKGROUND CHECK DENIALS AS REQUIRED**
8 **UNDER §§ 5-122 AND 5-123 OF THIS TITLE.**

9 (F) The Center shall designate how often law enforcement agencies are required
10 to report the information required under this section.

11 5-804.

12 (a) The Center shall coordinate with the Department and law enforcement
13 agencies to screen and vet all firearm crimes committed in the State by:

14 (1) determining whether an individual charged with a firearm crime was
15 prohibited from possessing a firearm; and

16 (2) recommending specific firearm charges to ensure that an individual
17 charged with a firearm crime is appropriately charged.

18 (b) The Center shall assist the Department and law enforcement agencies with
19 firearm enforcement and firearm violation reduction efforts.

20 (c) (1) **THE CENTER SHALL NOTIFY LOCAL LAW ENFORCEMENT**
21 **AGENCIES, AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, OF ALL**
22 **BACKGROUND CHECK DENIALS REPORTED UNDER § 5-803(E) OF THIS SUBTITLE.**

23 (2) (i) **THE CENTER SHALL NOTIFY LOCAL LAW ENFORCEMENT**
24 **AGENCIES BASED ON:**

25 1. **THE CITY, COUNTY, AND ZIP CODE OF THE LICENSEE;**
26 **OR**

27 2. **THE CITY, COUNTY, AND ZIP CODE OF THE**
28 **PROSPECTIVE FIREARM APPLICANT'S LEGAL RESIDENCE IF DIFFERENT FROM THE**
29 **LICENSEE.**

1 **(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS**
2 **PARAGRAPH SHALL BE SENT WITHIN 24 HOURS AND INCLUDE THE FOLLOWING**
3 **INFORMATION:**

4 **1. THE DATE AND TIME OF THE BACKGROUND CHECK**
5 **DENIAL;**

6 **2. THE REASON OR REASONS FOR THE DENIAL;**

7 **3. THE CITY, COUNTY, AND ZIP CODE OF THE LICENSEE;**
8 **AND**

9 **4. THE IDENTITY OF THE PERSON DENIED.**

10 **(III) IF THE ORIGINAL BACKGROUND CHECK DENIAL CHANGES**
11 **IN STATUS, THE CENTER SHALL SEND AN UPDATED NOTICE TO ALL LAW**
12 **ENFORCEMENT AGENCIES THAT RECEIVED THE ORIGINAL NOTICE.**

13 **(IV) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
14 **SUBSECTION MAY BE DELAYED TO AVOID COMPROMISING AN ACTIVE CRIMINAL**
15 **INVESTIGATION.**

16 **(3) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING DECEMBER**
17 **1, 2025, THE CENTER SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE**
18 **WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY**
19 **THE FOLLOWING INFORMATION BASED ON DATA FROM THE PREVIOUS CALENDAR**
20 **YEAR:**

21 **(I) THE NUMBER OF BACKGROUND CHECK DENIALS FOR**
22 **FIREARM APPLICANTS IN THE STATE;**

23 **(II) THE COUNTIES WHERE THE BACKGROUND CHECK DENIALS**
24 **OCCURRED; AND**

25 **(III) THE REASON OR REASONS FOR THE BACKGROUND CHECK**
26 **DENIALS.**

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
28 **October 1, 2024.**