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FROM: Governor's Office of Crime Prevention, Youth, and Victim Services

March 2, 2021

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

The Honorable William C. "Bill" Ferguson IV
President of the Senate
State House, H-107
Annapolis, MD 21401-1991

The Honorable Adrienne Jones
Speaker of the House of Delegates
State House, H-101
Annapolis, MD 21401

RE: Report required by Senate Bill 622/Chapter 335 of 2019 (MSAR #12198)

Dear Governor Hogan, President Ferguson, and Speaker Jones:

As required by Senate Bill 622/Chapter 335 of 2019, please find an enclosed copy of the Governor's Office of Crime Prevention, Youth, and Victim Services' report titled, *Report on Crime Firearms Study*. This report provides information on crime firearms that resulted in an arrest between October 1, 2019 and September 30, 2020. It also identifies major findings that resulted from the study, and makes recommendations to designate the Maryland Gun Center as a "one stop shop" for the screening and vetting of all gun cases to ensure that offenders are systematically held accountable.

Should you have any questions relating to the information provided in this report, please feel free to contact me at 410-697-9338.

Sincerely,

V. Glenn Fueston, Jr.
Executive Director

Chapter 335

(Senate Bill 622)

AN ACT concerning

~~Office of the Attorney General~~ Governor's Office of Crime Control and Prevention – Crime Firearms – Study

FOR the purpose of requiring the ~~Office of the Attorney General~~ Governor's Office of Crime Control and Prevention to study and compile information regarding certain matters that relate to certain crime firearms; requiring the Department of State Police to provide certain information for the study; requiring the ~~Office of the Attorney General~~ Governor's Office of Crime Control and Prevention to report its findings to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; defining a certain term; and generally relating to firearms.

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

(a) In this section, "crime firearm" means a firearm that is:

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

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

(b) The ~~Office of the Attorney General~~ Governor's Office of Crime Control and Prevention shall:

(1) study information regarding crime firearms in the State, including:

(i) the number and types of crime firearms;

(ii) the sources of the crime firearms, including the ~~manufacturer,~~ importer, dealer, and first purchaser for all recovered crime firearms; and

(iii) the jurisdictions where crime firearms were recovered;

(2) ~~study~~ report the crimes committed with crime firearms by jurisdiction, including:

(i) the number of charges and convictions for:

1. crimes of violence;

SB 622 as amended and signed by the Governor

2. illegal transfers;

3. illegal possession; ~~and~~

4. illegal transportation; and

5. straw purchases; and

(ii) the number and types of criminal charges associated with a crime firearm;

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

(i) for out–of–state crime firearms:

1. the country, state, or city of origin; and

2. the location in the State where the crime firearm was recovered;

(ii) for in–State crime firearms:

1. the jurisdiction of origin; and

2. the location where the crime firearm was recovered;

(iii) information on the top 10 dealers of crime firearms in the State, including:

1. names;

2. locations; and

3. the dates and outcomes of audits conducted by the Maryland State Police of the dealers; and

(iv) ~~information on~~ the 10 states where the most crime firearms recovered in the State originated, including a comparison of the other states' firearms laws regarding:

1. licensing;

2. background checks;

3. waiting periods;

SB 622 as amended and signed by the Governor

4. straw purchases; and

5. ~~safe storage laws~~ concealed carry laws;

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

(5) gather information regarding *whether* the individuals found in possession of crime firearms~~, including:~~

~~(i) their ages;~~

~~(ii) their jurisdictions of residence;~~

~~(iii) their jurisdictions where charged; and~~

~~(iv) whether they~~ were previously prohibited from possessing a firearm.

(c) The Department of State Police shall provide the ~~Office of the Attorney General~~ Governor's Office of Crime Control and Prevention with any and all information necessary to complete this study.

(d) On or before December 1, 2020, the ~~Office of the Attorney General~~ Governor's Office of Crime Control and Prevention shall report its findings to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019. It shall remain effective for a period of 1 year and 3 months and, at the end of December 31, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 30, 2019.

SB 622 as amended and signed by the Governor

Maryland

GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES

Report on Crime Firearms Study

Senate Bill 622/Chapter 335, 2019

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director
Governor's Office of Crime Prevention, Youth, and Victim Services

Submitted by:
Governor's Office of Crime Prevention, Youth, and Victim Services

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March 2, 2021
MSAR #12198

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Introduction

Chapter 335 of 2019 (Senate Bill 622), *Governor's Office of Crime Control and Prevention - Crime Firearms - Study*, requires the Governor's Office of Crime Prevention, Youth, and Victim Services (previously known as the Governor's Office of Crime Control and Prevention[1]) to study and compile information, provided by the Maryland Department of State Police, as it relates to crime firearms.[2] Specifically, the Act requires the Governor's Office of Crime Prevention, Youth, and Victim Services to:

- Study information regarding crime firearms in the State, including:
    - The number and types of crime firearms;
    - The sources of all crime firearms, including the importer, dealer, and first purchaser for all recovered crime firearms; and
    - The jurisdictions where crime firearms were recovered;
- Report the crimes committed with crime firearms by jurisdiction, including:
    - The number of charges and convictions for:
        - Crimes of violence;
        - Illegal transfers;
        - Illegal possession;
        - Illegal transportation; and
        - Straw purchases; and
    - The number and types of criminal charges associated with a crime firearm;
- Compile all available information and data regarding the source of crime firearms, including:
    - For out-of-state crime firearms:
        - The county, state, or city of origin; and
        - The location in the State where the crime firearm was recovered;
    - For in-State crime firearms:
        - The jurisdiction of origin; and
        - The location where the crime firearm was recovered;
    - Information on the top 10 dealers of crime firearms in the State, including:
        - Names;
        - Locations; and
        - The dates and outcomes of audits conducted by the Maryland State Police of the dealers; and

[1] Maryland General Assembly. (2020). *Chapter 11, Acts of 2020*. In March 2020, the Governor's Office of Crime Control and Prevention was renamed the Governor's Office of Crime Prevention, Youth, and Victim Services.
[2] Maryland General Assembly. *Chapter 335 of 2019 (Senate Bill 622), Governor's Office of Crime Control and Prevention - Crime Firearms - Study*.

    - The 10 states where the most crime firearms recovered in the State originated, including a comparison of the other states' firearms laws regarding:
        - Licensing;
        - Background checks;
        - Waiting periods;
        - Straw purchases; and
        - Concealed carry laws;
- Collect information on the length of time between the origination and recovery of a crime firearm; and
- Gather information regarding whether the individuals found in possession of crime firearms were previously prohibited from possessing a firearm.

The Act also requires the Governor's Office of Crime Prevention, Youth, and Victim Services to report its findings to the Governor and the General Assembly by December 1, 2020.[3]

Crime Firearms Study

In accordance with Chapter 335 of 2019, this *Report on Crime Firearms Study* provides information on crime firearms that resulted in an arrest between October 1, 2019 and September 30, 2020, and based on the definitions below. It also identifies the location of the gun problem, and whether it is specific to Maryland or other states.

Definitions

Crime firearm means a firearm that is (1) used in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article or (2) recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer.[4]

Crime of violence, as defined in § 5-101 of the Public Safety Article, means (1) abduction; (2) arson in the first degree; (3) assault in the first or second degree; (4) burglary in the first, second, or third degree; (5) carjacking and armed carjacking; (6) escape in the first degree; (7) kidnapping; (8) voluntary manslaughter; (9) maiming; (10) mayhem; (11) murder in the first or second degree; (12) rape in the first or second degree; (13) robbery; (14) robbery with a dangerous weapon; (15) sexual offense in the first, second, or third degree; (16) home invasion; (17) an attempt to commit offenses (1) through (16); or (18) assault with the intent to commit offenses (1) through (16) or a crime punishable by imprisonment for more than one year.[5]

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[3] Ibid.
[4] Department of Legislative Services. *Senate Bill 622 (2019) Governor's Office of Crime Control and Prevention - Crime Firearms - Study (Fiscal and Policy Note)*.
[5] Ibid.

This definition is cross-referenced in statutes pertaining to reckless endangerment, committing a crime in the presence of a minor, use of a handgun or antique firearm in the commission of a crime, use of an assault weapon or magazine in the commission of a felony or a crime of violence, and possession of a rifle or shotgun by a person previously convicted of specified offenses.[6]

Methodology

For the purpose of this *Report on Crime Firearms Study*, data was retrieved from three data sources, to include:

- Maryland Gun Center
- Bureau of Alcohol, Tobacco, Firearms, and Explosives
- Internet sources pertaining to gun legislation

Maryland Gun Center

In 2013, the Maryland Department of State Police created the Maryland Gun Center (Center) within its Criminal Enforcement Division to assist local law enforcement with "gun enforcement/gun violation reduction efforts."[7] Through its mission, the Center serves as a "24/7 statewide firearms enforcement center, making available the screening/vetting of every gun case in Maryland to ensure that offenders are systematically held accountable for the crimes and that any necessary follow-up is addressed in a consistent and disciplined manner."[8] In 2013, and with a staff of six, the Center received and responded to 2,828 calls and/or emails for service pertaining to gun-related incidents across the State.[9] Since this time, the number of calls and/or emails for service have increased approximately 300%. In 2019, and with a staff of 10, the Center received and responded to over 10,500 calls and/or emails for service as it relates to gun incidents in the State. For 2020, the Center anticipates that they will receive and respond to nearly 11,500 calls and/or emails for services.

In 2019, and in response to the enacted Act (Chapter 335 of 2019), the Center developed a Microsoft Access database to capture the data elements required for the crime firearms study. Because the Act took effect October 1, 2019, the Center used the same date to begin the data

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[6] Ibid.
[7] Governor's Office of Crime Control and Prevention. (2013). *Maryland's Comprehensive State Crime Control and Prevention Plan 2013 Annual Update*.
[8] Maryland Department of State Police. *Criminal Enforcement Division*.
[9] Governor's Office of Crime Control and Prevention. (2013). *Maryland's Comprehensive State Crime Control and Prevention Plan 2013 Annual Update*. It is important to note that the Maryland Department of State Police serves as a partial point of contact for Maryland in which all handgun applications require a background check to be conducted by the Maryland Department of State Police; whereas, all long guns require a background check to be conducted by the Federal Bureau of Investigation. Although the Maryland Department of State Police serves as a partial point of contact agency, the Maryland Gun Center receives calls and/or emails for all gun-related matters.

collection process. It is important to note that data collected through the database is solely based on the data reported to the Center by law enforcement officers, and therefore may not represent all crime firearm data in the State because not all data is reported. In addition, some data may not be reported to the Center until the end of the case versus the beginning.

Specific to this study, the Governor's Office of Crime Prevention, Youth, and Victim Services (Office) received information from the Center's database to study crime firearms in the State, as it relates to:

- The number and types of crime firearms;
- The sources of all crime firearms, including the importer, dealer, and first purchaser for all recovered crime firearms;
- The jurisdictions where crime firearms were recovered;
- Information on crimes committed with crime firearms by jurisdiction;
- Information on in-State crime firearms;
- Information on the top 10 dealers of crime firearms in the State; and
- Information regarding whether the individuals found in possession of crime firearms were previously prohibited from possessing a firearm.

Specifically, the Office received information regarding crime firearms that resulted in an arrest between October 1, 2019 and September 30, 2020. It is important to note that the information was only available on firearms registered in Maryland, and were primarily for handguns because the Maryland Department of State Police serves as a partial point of contact for the State.[10]

Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Office gathered information from the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF's) website that was not available through the Center's database.[11] Through its mission, the ATF provides firearms trace data to local, state, federal, and foreign law enforcement agencies that request firearms tracing for investigative purposes; and prepares state-by-state reports to provide the "public with insight into firearms recoveries."[12] The Office used information from the Data Source: Firearms Tracing Systems - Maryland (January 1, 2019 - December 31, 2019), which represents the most recent report prepared by the ATF on behalf of Maryland.[13] Specifically, information was pulled from this report as it relates to:

[10] The Maryland Department of State Police is the designated agency to conduct all background checks on handguns and handgun permits; whereas, the Federal Bureau of Investigation conducts all background checks for long guns.
[11] Bureau of Alcohol, Tobacco, Firearms and Explosives. *Firearms Trace Data - 2019*.
[12] Ibid.
[13] Bureau of Alcohol, Tobacco, Firearms and Explosives. *Data Source: Firearms Tracing Systems - Maryland*. The ATF extracted data from the Firearms Tracing System (FTS) on April 10, 2020. It is important to note that the prepared report captures calendar year data, only.

- Information on out-of-State crime firearms; and
- Information on the length of time between the origination and recovery of a crime firearm.

Internet Sources Pertaining to Gun Legislation

The Office also gathered information from The National Rifle Association: Institute for Legislative Action, the Giffords Law Center, and the Guns to Carry websites. Specifically, information was pulled from these websites as it relates to:

- The 10 states where the most crime firearms recovered in the State originated, including a comparison of the other states' firearms laws regarding: licensing; background checks; waiting periods; straw purchases; and concealed carry laws.

Findings

Crimes Committed with Crime Firearms by Jurisdiction

Between October 1, 2019 and September 30, 2020, and based on the Center's database, there were a total of 2,772 gun crime cases in Maryland (*as illustrated on the following page*). From this total, 61.8% of the cases occurred in Baltimore City (n = 925) and Prince George's County (n = 787). An additional 20.4% of the gun crime cases occurred in Baltimore County (n = 194), Anne Arundel County (n = 173), Worcester County (n = 76), Wicomico County (n = 62), and Washington County (n = 60). The remaining 17.8% (n = 495) occurred in other parts of the State.

Gun Crime Cases by County (October 1, 2019 - September 30, 2020)	
Allegany	38
Anne Arundel	173
Baltimore	194
Baltimore City	925
Calvert	24
Caroline	18
Carroll	13
Cecil	42
Charles	45
Dorchester	12
Frederick	45
Garrett	16
Harford	48
Howard	42
Kent	11
Montgomery	47
Prince George's	787
Queen Anne's	37
Somerset	13
St. Mary's	29
Talbot	15
Washington	60
Wicomico	62
Worcester	76
Total	**2,772**

Number of Charges and Convictions

Of the 2,772 gun crime cases, there were a total of 1,722 charges (*as illustrated on the following page*).[14] The breakdown of these charges consisted of the following outcomes: prosecuted (guilty or not guilty verdict), not prosecuted (dismissed, nolle prosequi, or stet), probation before judgement (PBJ), adjudicated, or pending.

[14] It is important to note that some judges and/or commissioners may request the release of the charged individual due to limited or no probable cause.

Outcome of Gun Crime Cases Associated with a Crime Firearm (October 1, 2019 - September 30, 2020)	
Charging Outcome	**Total**
Guilty	46
Dismissed	8
Nolle Prosequi	302
Not Guilty	6
Probation Before Judgement	4
Adjudicated Delinquent	2
Pending	1,314
Stet	40

Due to the COVID-19 pandemic, there are many charges that may still be pending due to the temporary suspension of court cases It is important to note that information pertaining to charges is based solely on the charging recommendations made by the Center, and therefore is not based on all handgun cases. In addition, the recommendations made occurred only for those cases that were called into the Center.

Number and Types of Criminal Charges Associated with a Crime Firearm

Of the 1,722 criminal charges, nearly 87% (n = 1,498) of the criminal charges were for some type of an illegal possession offense, 8.7% (n = 149) were for the use of a firearms in conjunction with any crime of violence, and 3.8% (n = 66) were for straw purchase related offense.

Criminal Charges Associated with a Crime Firearm (October 1, 2019 - September 30, 2020)									
Row Labels	**Guilty**	**Dismissed**	**Nolle Prosequi**	**Not Guilty**	**PBJ**	**Adjudicated Delinquent**	**Pending**	**Stet**	**Total Charges**
CDS							3		**3**
Crime of Violence	1		23				123	2	**149**
Illegal Possession	45	7	259	6	3	2	1,141	35	**1,498**
Illegal Transfer/StrawPurchase		1	16				46	3	**66**
Illegal Transportation			4		1		1		**6**
Total	**46**	**8**	**302**	**6**	**4**	**2**	**1,314**	**40**	**1,722**

Available Information and Data Regarding the Source of Crime Firearms

Based on the Data Source: Firearms Tracing Systems - Maryland (January 1, 2019 - December 31, 2019), which represents the most recent report prepared by the ATF on behalf of Maryland, 9,465 firearms were recovered and traced in 2019.[15]

[15] Bureau of Alcohol, Tobacco, Firearms and Explosives. *Data Source: Firearms Tracing Systems - Maryland*.

Out-of-State Crime Firearms

The report also identified the states where the most crime firearms recovered in the State originated to include Maryland, Virginia, Pennsylvania, North Carolina, Georgia, West Virginia, South Carolina, Florida, Delaware, Texas, and more (*as illustrated below*).[16] It is important to note that an "additional 35 states, the District of Columbia and Puerto Rico accounted for 456 other traces."[17] In total, the "source state was identified in 6,543 total traces."[18] This indicates that the source state could not be identified in the remaining 2,922 traces.

Top 15 Source States for Firearms with a Maryland Recovery (January 1, 2019 - December 31, 2019)

Source States	Number of Firearms
Maryland	3,018
Virginia	1,054
Pennsylvania	380
North Carolina	262
Georgia	253
West Virginia	247
South Carolina	149
Florida	139
Delaware	125
Texas	110
Ohio	109
Kentucky	75
Alabama	64
Tennessee	52
California	50

In addition, the report identified the top recovery cities for firearms with a Maryland recovery to include Baltimore, Pasadena, Hagerstown, Frederick, Silver Spring, Hyattsville, Waldorf, Elkton, Glen Burnie, and Capitol Heights (*as illustrated on the following page*).[19] It is important to note that there were "288 additional municipalities that accounted for 4,914 other traces" and the "recovery city could not be determined for 10 traces."[20] This indicates that, of the 9,465 recovered firearms in Maryland, nearly 48% (n = 4,541) were recovered in these ten cities.

[16] Ibid.
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] Ibid.

Top Recovery Cities for Firearms with a Maryland Recovery (January 1, 2019 - December 31, 2019)	
Recovery Cities	**Number of Firearms**
Baltimore	2,490
Pasadena	320
Hagerstown	305
Frederick	286
Silver Spring	238
Hyattsville	211
Waldorf	194
Elkton	178
Glen Burnie	172
Capitol Heights	147

In-State Crime Firearms

Based on the Center's database, there were a total of 169 in-State crime firearms recovered from 17 jurisdictions of origin (*as illustrated below*). From this total, nearly 40% (n = 67) of the crime firearms were recovered in Baltimore City of which 41.8% (n = 28) originated in Baltimore City. An additional 24% (n = 41) of the total in-State crime firearms were recovered from Prince George's County of which 70.7% (n = 29) originated in Prince George's County.

		Number of Firearms															
		Anne Arundel	Baltimore County	Baltimore City	Calvert	Caroline	Cecil	Charles	Dorchester	Frederick	Harford	Montgomery	Prince George's	St. Mary's	Talbot	Washington	Wicomico	Worcester
County of Purchaser's Residence	Allegany			1														
	Anne Arundel	10	2	7						1			1				1	
	Baltimore County	2	3	17						1		1	2					
	Baltimore City	2	4	28							2		1					
	Calvert	1			4													
	Caroline			1		1												
	Carroll		1	3									1					
	Cecil			1			1											
	Charles		1		1			2					3					
	Dorchester																	
	Frederick									2								
	Harford	2		1							3							
	Howard			4									2					
	Montgomery												2					1
	Prince George's	1		3				1				1	29					
	St. Mary's			1										3				
	Talbot														1			
	Washington															1		
	Wicomico								1			1					2	
	Worcester																	

Top 10 Dealers of Crime Firearms in the State

The Center also identified the top ten gun crime firearm dealers that collectively accounted for 73 firearms (*as illustrated on the following page*). The location of these dealers include, but are not limited to, the following cities: District Heights, Middle River, Upper Marlboro, Halethorpe, Essex, Parkville, Waldorf, Rockville, and Hanover.

Gun Crime Firearm Dealers Top Ten		
Number of Firearms	**Dealer Name**	**Location**
13	Realco Guns	District Heights
9	FreeState Gun Range	Middle River
9	Maryland Small Arms Range, Inc.	Upper Marlboro
8	Tyler Firearms, LLC.	Halethorpe
7	Gun Shop	Essex
6	Historic File	Unknown
6	Valley Gun Shop	Parkville
6	Fred's Outdoors	Waldorf
5	United Gun Shop	Rockville
4	Bass Pro Outdoor World, LLC	Hanover

The Maryland Department of State Police conducted an audit on the identified gun crime firearm dealers which primarily resulted in the following known outcomes:

Audits Conducted on Gun Crime Firearm Dealers*		
Audit Date	**Dealer Name**	**Outcome**
6/5/2019	Realco Guns	No discrepancies
9/2/2020	FreeState Gun Range	No discrepancies
6/25/2019	Maryland Small Arms Range, Inc.	No discrepancies
8/27/2020	Tyler Firearms, LLC.	No discrepancies
8/13/2019	Gun Shop	No discrepancies
-	Historic File	-
-	Valley Gun Shop	Please see note below
8/25/2020	Fred's Outdoors	No discrepancies
-	United Gun Shop	Please see note below
8/19/2019	Bass Pro Outdoor World, LLC	No discrepancies

*The Tyler Firearms, LLC. was previously audited on August 27, 2018, which reflected one 77R application with an incorrect model and serial number of the regulated firearm; and a second firearm of a multi-purchase was not entered into MAFSS due to a civilian Maryland Department of State Police employee error. In 2004, the ATF revoked the Valley Gun Shop's Federal Firearms License. The United Gun Shop is a new dealer, as of April 25, 2019, and therefore the first inspection is not due until April 2021. Please note that the symbol (-) indicates that no information was available.

Comparison of Firearms Laws in Originating States of Most Crime Firearms Recovered

Based on the report that was prepared for Maryland, the ATF identified the top 10 states where the most crime firearms recovered in the State had originated from, to include: Maryland, Virginia, Pennsylvania, North Carolina, Georgia, West Virginia, South Carolina, Florida,

Delaware, and Texas.[21] Using this list, a comparison of the states' firearms laws was conducted to identify similarities and differences regarding: licensing, background checks, waiting periods, straw purchases, and concealed carry laws (*as illustrated below*).

Comparison of Firearms Laws*					
State	**Licensing**	**Background Checks on Private Gun Sales Required**	**Waiting Periods**	**Straw Purchases**	**Concealed Carry Laws**
Maryland	Permit to purchase	Yes for handguns; partial for long guns	7 days for handguns	State law prevents transfers to traffickers; state law penalizes the actual buyer in a straw purchase; state law aids enforcement agencies in anti-trafficking efforts	Restrictively-administered discretionary-issue carry permit systems
Virginia	-	No for handguns; no for long guns	-	State law prevents transfers to traffickers; state law prohibits individuals from knowingly encouraging sellers to conduct an illegal firearm transfer; state law penalizes the actual buyer in a straw purchase; state law prohibits individuals from providing false information in a firearms transfer; state law requires the tracing of crime guns	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
Pennsylvania	-	Yes for handguns; no for long guns	-	State law prevents transfers to traffickers; state law prohibits individuals from providing false information in a firearms transfer; state law requires the tracing of crime guns	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
North Carolina	Permit to purchase	Yes for handguns; no for long guns	-	-	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
Georgia	-	No for handguns; no for long guns	-	State law prohibits individuals from knowingly encouraging sellers to conduct an illegal firearm transfer	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
West Virginia	-	No for handguns; no for long guns	-	State law prohibits individuals from knowingly encouraging sellers to conduct an illegal firearm transfer; state law penalizes the actual buyer in a straw purchase	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants; allow concealed carry without a permit
South Carolina	-	No for handguns; no for long guns	-	-	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
Florida	-	No for handguns; no for long guns	3+ days for all firearms	-	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants
Delaware	-	Yes for handguns; yes for long guns	-	State law prohibits individuals from providing false information in a firearms transfer; state law requires the tracing of crime guns	Restrictively-administered discretionary-issue carry permit systems
Texas	-	No for handguns; no for long guns	-	-	"Shall issue" law, requiring that concealed carry permits be issued to qualified applicants

*Resources include: Giffords Law Center on licensing;[22] Guns to Carry on background checks on private gun sales;[23] Giffords Law Center on waiting periods for Maryland and Florida, only;[24] Giffords Law Center on straw purchases;[25] and The National Rifle Association of America on right to carry laws.[26] Please note that the symbol (-) indicates that no information was available.

According to the Giffords Law Center, state licensing laws fall into four categories: "(1) permits to purchase firearms, (2) licenses to own firearms, (3) firearm safety certificates, which indicate

[21] Ibid.
[22] Giffords Law Center. (2020). *Licensing*.
[23] Guns to Carry. (2020). *Gun Laws by State: The Complete Guide*.
[24] Giffords Law Center. (2020). *Waiting Periods*.
[25] Giffords Law Center. (2020). *Trafficking & Straw Purchasing*. It is important to note that the general summary of each state's law was included in the table to illustrate a comparison.
[26] National Rifle Association of America: Institute for Legislative Action. (2020). *Concealed Carry | Right-to-Carry*.

that the certificate-holder has completed required safety training and is licensed to purchase a firearm, and (4) registration laws that impose licensing requirements."[27]

According to Guns to Carry, background checks are "required by federal law on all persons purchasing a firearm from a licensed dealer."[28] To facilitate these checks, the Federal Bureau of Investigation (FBI) "maintains a database where all requests are processed through" the National Instant Criminal Background Check System (NICS).[29] Four of the 10 states require background checks for the purchase of handguns and long guns; whereas, the remaining six do not.

In addition, the Giffords Law Center indicated that there is "no federal waiting period."[30] Under NICS, "a dealer may transfer a firearm to a prospective purchaser as soon as he or she passes a background check."[31] If, however, the "FBI is unable to complete the background check within three business days, the dealer may complete the transfer by default."[32] Limited information was available on these 10 states regarding legislation on waiting periods.

The Giffords Law Center defines a straw purchaser as someone who buys a firearm from a licensed dealer on behalf of another person.[33] Based on research, and when found, most of the 10 states have some law that makes straw purchasing illegal.

According to The National Rifle Association: Institute for Legislative Action, "Right-to-Carry (RTC) laws recognize the right to carry concealed handguns when away from home without a permit, or with a permit issued by a state to an applicant who meets requirements established by the state legislature."[34] In eight of the 10 states, the law allows "shall issue" permits - requiring that concealed carry permits be issued to qualified applicants without any discretion to deny the application.

Length of Time Between the Origination and Recovery of a Crime Firearm

In 2019, and based on the report that was prepared for Maryland, the length of time between the origination and recovery of a crime firearm (also known as Time-to-Crime) ranged from less than three months (n = 237) to three years and over (n = 4,600) (*as illustrated on the following*

[27] Giffords Law Center. (2020). *Licensing*.
[28] Guns to Carry. (2020). *Gun Laws by State: The Complete Guide*.
[29] Ibid.
[30] Giffords Law Center. (2020). *Waiting Periods*.
[31] Ibid.
[32] Ibid.
[33] Ibid.
[34] The National Rifle Association of America: Institute for Legislative Action. (2020). *Concealed Carry | Right-to-Carry*.

page).[35] In addition, Maryland's average time-to-crime in 2019 consisted of 11.41 years, compared to the national average of 8.29 years.[36]

Time-To-Crime Rates for Firearms with a Maryland Recovery (January 1, 2019 - December 31, 2019)	
Time-To-Crime Categories	**Number of Firearms**
Under 3 Months	237
3 Months to Under 7 Months	230
7 Months to Under 1 Year	280
1 Year to Under 2 Years	574
2 Years to Under 3 Years	556
3 Years and Over	4,600

Individuals Found in Possession Were Previously Prohibited

Between October 1, 2019 and September 30, 2020, and of the 2,772 gun crime cases identified by the Center, 2,188 prohibited persons were found to be in possession of crime firearms (*as illustrated on the following page*).[37] The 2,188 prohibited persons were determined to be prohibited by the Maryland Department of State Police, based on the information provided by law enforcement officers who called into the Center, and the following three criteria:

- Illegal transfers
- Illegal possession
- Illegal transportation

[35] Bureau of Alcohol, Tobacco, Firearms and Explosives. *Data Source: Firearms Tracing Systems - Maryland*. "Time-to-Crime was calculated for those traces in which the purchase date could be subtracted from the recovery date."
[36] Ibid.
[37] It is important to note that there can be multiple suspects per case.

Prohibited Persons by County of Incident (October 1, 2019 - September 30, 2020)	
Allegany	18
Anne Arundel	108
Baltimore	183
Baltimore City	841
Calvert	17
Caroline	10
Carroll	9
Cecil	30
Charles	36
Dorchester	6
Frederick	28
Garrett	3
Harford	51
Howard	45
Kent	8
Montgomery	41
Not Applicable	1
Prince George's	555
Queen Anne's	9
Somerset	5
St. Mary's	23
Talbot	9
Washington	50
Wicomico	58
Worcester	44
Total	**2,188**

Major Findings

Based on the results of this *Report on Crime Firearms Study*, the Office identified the following major findings:

- 61.8% of gun crime cases occurred in Baltimore City and Prince George's County.
- Over 76% of gun case charges, that were recommended by the Center, are still pending.
- The most common charge associated with crime firearm cases is illegal possession.
- Over half of all recovered crime firearms, identified by the ATF, originated out-of-state.

- Over 53% of in-State crime firearms were recovered from the purchaser's county of residence.
- There is variation in the 10 states as it relates to legislation.
- Maryland's average time-to-crime was 11.41 years, compared to the national average of 8.29 years.
- The majority of all crime firearms were committed by individuals who were prohibited from owning a firearm.

Recommendations

Based on the findings of this *Report on Crime Firearms Study*, the Office identified the following recommendations:

- Provide additional support for the Maryland Gun Center to include increasing staffing levels.
- Establish a statewide database for the tracking of all crime firearms.
- Require law enforcement agencies to report information on any gun-related crime to the Maryland Gun Center.
- Enact legislation that mandates a "one stop shop" for the screening and vetting of gun cases in Maryland to ensure that offenders are systematically held accountable.

Provide Additional Support for the Maryland Gun Center

Given the ongoing and increasing need for immediate guidance and assistance to systematically address every crime firearm incident across the State, additional resources are needed to ensure that each case is completely vetted, thoroughly investigated, and aggressively prosecuted. Since the inception of the Center, the number of calls and/or emails for service have increased by nearly 300% (from 2,828 in 2013 to over 10,500 in 2019); whereas, the resources for staff have only increased by 67% (from six staff in 2013 to 10 staff in 2019). In order for the Center to serve as a "one stop shop" for street-level law enforcement officers, law enforcement agencies, state's attorney's offices, and policy makers, additional staff are necessary to provide expertise in, but not limited to, the following areas:

- Prohibitors under state law (n = 13) and federal law (n = 9)
- Specific case histories of persons involved crime firearm cases
- Insight on how persons retrieved the crime firearm
- Charging recommendations
- Analytical component for law enforcement and community safety

Establish a Statewide Database for the Tracking of All Crime Firearms

In addition, and based on the resources available, the Center developed a Microsoft Access database to capture the data elements required by Chapter 335 of 2019, and for the purpose of this *Report on Crime Firearms Study*. In an effort to standardize the collection of crime firearm data to produce measurable metrics and fulfill data requests, it is recommended that funding be provided to the Center to build a SQL Server or reporting component within the Maryland Department of State Police's licensing portal for all crime firearm data, and to replace the current Microsoft Access database. The SQL Server could be incorporated within the Maryland Department of State Police's licensing portal to standardize the collection of data on crime firearms. In doing this, and with the necessary staffing resources, the Center will be able to provide analyses of the crime firearms data which would serve as a critical component. This would also allow the Center to provide statistics and other reporting capabilities in real-time.

Require Law Enforcement Agencies to Report Information on Any Gun-Related Crime to the Maryland Gun Center

The Microsoft Access database, which was created for the purpose of this study, is solely based on the data reported to the Center by law enforcement officers, and therefore may not represent all crime firearm data in the State because not all data is reported. In an effort to improve the reporting of data, and streamline the collection of gun-related incidents in Maryland, it is recommended that all Maryland law enforcement agencies report information on gun-related crimes to the Center. Improving the data reporting process, and providing the necessary resources for staff and technologies, will provide the Center with the assets needed to produce actionable intelligence to ultimately hold offenders accountable. This, in turn, will allow the data to be used to develop policy.

Enact Legislation that Mandates a "One Stop Shop" for the Screening and Vetting of Gun Cases in Maryland to Ensure that Offenders are Systematically Held Accountable

Under the administration of the Maryland Department of State Police, which serves as the regulatory authority for all handgun purchases and permits, the Center provides knowledge and expertise to local law enforcement as it relates to: (1) determining whether a person is prohibited from possessing firearms, (2) recommending specific firearm related charges to ensure that a suspect is appropriately charged and the information is provided in real-time, and (3) providing assistance with other gun enforcement/gun violation reduction efforts. Given this role, and in an effort to address every gun incident across the State to ensure that each case is completely vetted, thoroughly investigated, and aggressively prosecuted, it is recommended that legislation be enacted to designate the Center as Maryland's "one stop shop" for the screening and vetting of

gun cases in Maryland to ensure that offenders are systematically held accountable.[38] In doing this, the Center will continue, and expand upon current efforts, to provide assistance and guidance to local law enforcement, as well as analytics from one reliable source for the entire State of Maryland. By designating the Center as Maryland's "one stop shop," offenders will be held accountable for their actions which will ensure a safer Maryland for all those who reside within its State.

Conclusion

Pursuant to Chapter 335 of 2019, this *Report on Crime Firearms Study* provides information on crime firearms that resulted in an arrest between October 1, 2019 and September 30, 2020. It also identifies major findings that resulted from the study, and makes recommendations to designate the Maryland Gun Center as a "one stop shop" for the screening and vetting of all gun cases to ensure that offenders are systematically held accountable.

[38] Governor's Office of Crime Control and Prevention. (2013). *Maryland's Comprehensive State Crime Control and Prevention Plan 2013 Annual Update*.