Maryland Firearm Crime, Injuries, Fatalities, and Crime Firearms Study

For the period of August 1, 2020 through July 31, 2021

Courtesy of 2A Maryland

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Background and Purpose

The Office of the Maryland Attorney General (OAG) contracted with the Wyoming Survey & Analysis Center (WYSAC) at the University of Wyoming to collect, analyze, and report data about firearm crimes, firearm injuries and fatalities, and crime firearms. House Bill (HB) 1186 (2021) requires OAG to submit four reports. The first two reports – submitted December 2021 and December 2022 – analyzed data provided by 91 and 80 law enforcement agencies (LEAs) respectively, about firearm crimes that occurred between August 1, 2015, and July 31, 2019 (report 1) and August 1, 2019, and July 31, 2020 (report 2). This report, the third in the four-part series, provides detailed findings from WYSAC's analysis of firearm crimes in the State from August 1, 2020, to July 31, 2021.

Key Definitions

Compliance Inspection

Inspections conducted to ensure that Federal Firearms Licensees (FFLs) are following record-keeping requirements. Specifically, FFLs must account for all firearms that they have bought and sold and report all multiple handgun sales and firearms thefts to the United States Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF).

Crime Firearm

HB 1186 § 1(a)(2 (i-ii) defines "crime firearm" as a firearm that is used in the commission of a crime of violence; or recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer.

Crime of Violence

The Public Safety Article §5–101 defines these offenses as crimes of violence:

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 as previously proscribed under former Article 27, § 386 of the Code;
10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
11) murder in the first or second degree;

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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 under § 6-202(b) of the Criminal Law Article;
17) a felony offense under Title 3, Subtitle 11 of the Criminal Law Article;

Further, Public Safety Article §5–101 classifies an attempt to commit any of the crimes listed above; or assault with intent to commit any of the crimes listed, or a crime punishable by imprisonment for more than 1 year as a crime of violence.

Firearm Crime

HB 1186 § 1(a)(3) defines "firearm crime" as a crime of violence involving the use of a firearm.

Firearm Injury and Fatality

HB 1186 § 1(a)(4) defines "firearm injury and fatality" as an injury or fatality caused by a firearm.

Jurisdiction

In this report, jurisdiction is synonymous with county, apart from Baltimore City which WYSAC analyzed as its own jurisdiction. For data provided by agencies that operate statewide (e.g., the Maryland State Police [MSP]), the incident's jurisdiction is the county where the incident occurred. In this report, data are included from 24 unique jurisdictions; each of Maryland's 23 counties and Baltimore City.

Privately Made Firearm

WYSAC asked LEAs to indicate if a recovered firearm had a serial number. To measure the proliferation of "ghost guns" in the State, WYSAC also asked LEAs to indicate if the firearm was privately made. Based on the ATF Frame or Receiver Rule (2021R-05F), WYSAC defined "ghost gun" as any firearm, including a frame or receiver; completed, assembled, or otherwise produced by a person other than a licensed manufacturer; and without a serial number placed by a licensed manufacturer at the time of production.[i]

Straw Purchase

Section 5–101 of the Public Safety Article defines "straw purchase" as the sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:

1) complete the application to purchase a regulated firearm;
2) take initial possession of the regulated firearm; and
3) subsequently transfer the regulated firearm to the person.

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Targeted Inspection

Audits initiated as a result of specific data on sales practices (e.g., sales volume, multiple handgun sales, time-to-crime for guns traced to an FFL) indicative of firearm trafficking.

Time-to-Crime

The ATF defines "time-to-crime" as the amount of time between the retail sale of a firearm by an FFL and its recovery by law enforcement.[ii]

Type of Firearm

WYSAC limited LEA responses to eight firearm types based on the Federal Bureau of Investigation's (FBI) National Incident-Based Reporting System (NIBRS) definitions: handgun, automatic handgun, rifle, automatic rifle, shotgun, automatic shotgun, other firearm, and other automatic firearm. NIBRS defines an automatic firearm as any firearm that shoots, or is designed to shoot, more than one shot at a time by a single pull of the trigger without manual reloading.[iii] WYSAC provided the NIBRS definition to LEAs in the data collection template.

Methodology

WYSAC used data from four sources to provide a robust analysis. WYSAC solicited data from Maryland LEAs about firearm crimes including the responding agency; incident date; if the LEA response resulted from a 9-1-1 call; firearms recovered and information about each firearm; associated arrests; and related injuries and fatalities. To supplement LEA charging and disposition data, WYSAC requested data from the Maryland Administrative Office of the Court (AOC) about firearm crimes, crimes of violence, and charging and disposition information. WYSAC also received the results of dealer audits conducted by the MSP. Finally, WYSAC collected data from the ATF about firearms recovered in Maryland, including time-to-crime and state-of-origin.

Data Collection

LAW ENFORCEMENT AGENCIES

Identifying Law Enforcement Agencies

WYSAC utilized the list of agencies and contacts from the previous year and contacted 146 people across 131 agencies on January 12, 2023, to confirm correct contact information. WYSAC updated contact information as necessary and identified one agency that had not participated in previous years. In total, WYSAC requested data from 132 LEAs.

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Collecting Data from Law Enforcement Agencies

On April 5, 2023, OAG emailed each LEA introducing the research team and explaining the requirements of HB 1186 (2021). The following day, WYSAC emailed an Excel data collection template to each LEA and reiterated the requirements of HB 1186 (2021). WYSAC asked LEAs to return completed data templates no later than September 1, 2023. To maximize response rates, WYSAC and OAG sent regular reminder emails and contacted nonresponsive LEAs by phone on July 17, 2023, and again on August 1, 2023.

In all, 114 (86%) LEAs provided data on or before the deadline and 6 (5%) LEAs submitted data after the deadline. Twelve LEAs (9%) declined to provide data or did not respond (Appendix A). WYSAC closed data collection on September 8, 2023.

Quality Control

Technical Assistance

Some LEAs had difficulties entering data into the Excel template. WYSAC provided technical assistance to these LEAs via phone, email, and Zoom video conferencing. WYSAC adjusted the template for some agencies, upon request, to make the template compatible with their record management system(s). Every email correspondence between WYSAC, OAG, and the LEAs included the study team's contact information and instructions on how to request technical assistance.

Data Collection Template

WYSAC used an Excel data collection template that featured data validation tools to enhance user-friendliness and reduce errors. These tools included drop-down lists to standardize entries (e.g., limiting firearm type selections to eight options) and date fields that accepted only incident dates within the reporting period. The template also included a 'quick start guide' with instructions and hyperlinks to key definitions.

Requests for Information and Clarification

WYSAC reviewed data templates for completeness and consistency and contacted LEAs when the data provided appeared incomplete or were unclear.

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WYSAC provided offender information (first name, last name, and date of birth) and incident information (date and arresting agency) to AOC. AOC matched these data to court records and provided WYSAC with charging and disposition information related to each incident.

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MARYLAND DEPARTMENT OF STATE POLICE – FIREARMS REGISTRATION SECTION

WYSAC requested the dates and outcomes of audits conducted by the MSP Dealer Audit Unit of the top-10 dealers of crime firearms in the State. MSP provided the results of ten audits, each including a compliance inspection report and a supplemental narrative description of the audit.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

The ATF's National Tracing Center (NTC) is authorized by the Gun Control Act of 1968 to trace crime firearms and is the only crime gun tracing facility in the United States.[iv] The NTC traces crime firearms by tracking each firearm's movement through the supply chain from manufacture through distribution, via wholesalers or retailers, using the gun's serial number. Tracing allows the ATF and LEAs to identify unlicensed purchasers and patterns in the sources and types of crime firearms.[v] The ATF provides free *eTrace* software that allows LEAs to request firearm trace data, monitor the progress of requests, retrieve results, and query data. The ATF's *eTrace* software also allows LEAs to download and analyze trace data.[vi] The ATF publishes aggregate data annually on a calendar year basis.

Analysis

Law Enforcement Data

Of the 120 LEAs that responded to WYSAC's data request, 83 (69%) provided data about one or more firearm crimes, 31 (26%) reported that the agency did not respond to any firearm crimes during the reporting period, and six (5%) reported that a separate agency is responsible for reporting the agency's data.

LIMITATIONS

Differences in Data Reporting

Each LEA has a unique process and system for tracking and managing records. As a result, there are differences in the data LEAs reported. Additionally, LEAs had considerable variations in how they defined data elements such as "illegal possession" or "illegal transfer." In an attempt to address these differences, WYSAC provided every LEA with a data collection template to limit the range of possible entries and provide clear definitions for key terms. WYSAC consulted with agencies on a case-by-case basis to ensure they understood all definitions and data elements and provided technical assistance filling out the templates when needed.

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Missing Disposition Data

WYSAC collected arrestee information from LEAs and sent 2,756 cases to the AOC to match filing, charging, and disposition information. WYSAC received 22,957 records back that matched with 2,129 of the initial cases.

Missing Crime Firearm Origin Data

Only 28 (23%) LEAs provided information about place of purchase and purchase date for recovered firearms. The remaining LEAs reported that they either 1) do not keep origin data, or 2) do not trace crime firearms. Fewer than 21% (n=917) of recovered firearms included origin data. WYSAC used ATF gun-trace data to supplement missing crime firearm origin data.

Missing or Incomplete Injury and Fatality Data

Most LEAs (n=118, 98%) reported data about firearm-related injuries and fatalities. Neither the MSP nor the Baltimore City Police Department (BPD) could specify if an incident included more than one injury or fatality, only that an injury or fatality occurred. In addition, BPD was unable to disaggregate injury and fatality data by age or classify injuries and fatalities as accidental or intentional. WYSAC included injuries and fatalities reported by both agencies (MSP and BPD) as a single event. As a result, the total number of injuries and fatalities is likely much higher.

Maryland Department of State Police, Dealer Audit Unit

WYSAC requested the dates and outcomes of audits conducted by the MSP's Dealer Audit Unit of the top-ten dealers of crime firearms identified in WYSAC's analysis. The Dealer Audit Unit audited each dealer one time, except for *Arundel Firearms & Pawn, Inc.,* which was audited twice. WYSAC summarized the results of the audits of the top-ten dealers of crime firearms.

MSP's audit forms are organized into five sections: 1) Regulated Firearms Dealer Information; 2) Licenses; 3) Inventory of Regulated Firearms; 4) Applications to Purchase a Regulated Firearm; and 5) Conclusion. Each form included an attachment with additional notes.

Maryland Administrative Office of the Courts

WYSAC sent AOC arrest data for 2,756 individuals for matching to charges and dispositions. AOC matched and provided data about 22,957 unique findings that included all charging information for the arrestee with an exact match on the date of offense. WYSAC requested but has not received District court data for Baltimore City at the time of publication.

AOC extracted filings from four records management systems (CCDC_MDEC, 8th Circuit [Baltimore City], CC Prince George's County, and DC_NonMDEC). AOC did not provide records with the following dispositions: remanded to - Juvenile Court; waived from Criminal to

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Juvenile Court; forwarded - Juvenile Authorities; transferred for Juvenile Sentencing; or forwarded - Circuit Court if the defendant was under 18 pursuant to CP § 4-202(i) and CJ § 3-8A-27. AOC provided data about 9,574 unique filings.

WYSAC categorized firearm-related charges into eight categories (ammunition; armor, trigger, or magazine violation; altering or possessing an altered firearm; discharging a firearm; illegal possession; illegal sale; illegal transfer; illegal transportation; and straw purchase). WYSAC categorized crimes of violence into 37 categories (Table 1). Researchers relied on § 5-101 of the Public Safety Article for definitions and included charges for an attempt, conspiracy, accessory, and soliciting a crime of violence.

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Table 1: Crimes of Violence Categories

Arson in the first degree	Kidnapping	Attempted robbery
Assault in the first or second degree	Attempted kidnapping	Conspiracy robbery
Attempted assault in the first or second degree	Conspiracy kidnapping	Robbery with a dangerous weapon
Conspiracy assault in the first or second degree	Voluntary manslaughter	Attempted robbery with a dangerous weapon
Burglary in the first, second, or third degree	Murder in the first or second degree	Conspiracy robbery with a dangerous weapon
Attempted burglary in the first, second, or third degree	Attempted murder in the first or second degree	Sexual offense in the first, second, or third degree
Conspiracy burglary in the first, second, or third degree	Conspiracy murder in the first or second degree	Attempted sexual offense in the first, second, or third degree
Solicitation burglary in the first, second, or third degree	Accessory murder in the first or second degree	Conspiracy sexual offense in the first, second, or third degree
Carjacking and armed carjacking	Rape in the first or second degree	Home invasion
Attempted carjacking and armed carjacking	Attempted rape in the first or second degree	Attempted home invasion
Conspiracy carjacking and armed carjacking	Conspiracy rape in the first or second degree	Conspiracy home invasion
Escape in the first degree	Robbery	Human trafficking
Attempted escape in the first degree		

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Equipment used to complete the project

WYSAC used Microsoft Excel to collect, clean, and summarize firearm crime data provided by LEAs; Microsoft Access to track contacts, submissions, and communications; and *Statistical Package for the Social Sciences 29* (SPSS) to analyze data.

Findings

Firearm Crimes Committed in the State of Maryland

LEAs in all 24 jurisdictions provided information about 7,185 firearm crimes (Table 2). Prince George's County provided data about 3,460 firearm crimes, 48% of the total. Kent County reported the fewest number of firearm crimes (n=3, <0.01%).

9-1-1 Requests for Emergency Assistance

Sixty-four percent (n=4,599) of LEA responses were initiated by a 9-1-1 call (Figure 1). 9-1-1 origination data were missing for 2% (n=172) of incidents.

Figure 1: Firearm Crimes, by 9-1-1 Origination

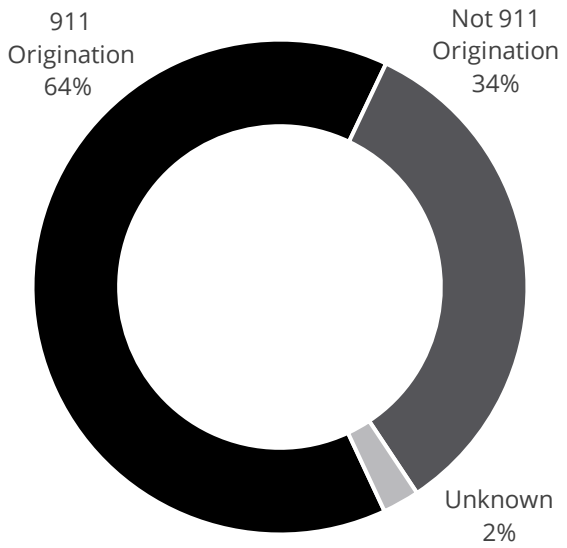

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Table 2: Number of Firearm Crimes, by Jurisdiction

Jurisdiction	Number of Crimes
Allegany	62
Anne Arundel	439
Baltimore City	859
Baltimore County	627
Calvert	5
Caroline	11
Carroll	35
Cecil	84
Charles	198
Dorchester	26
Frederick	95
Garrett	8
Harford	62
Howard	171
Kent	3
Montgomery	568
Prince George's	3,460
Queen Anne's	15
Somerset	21
St. Mary	75
Talbot	26
Washington	162
Wicomico	157
Worchester	16
Total	**7,185**

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Table 3: Firearm Crimes with 9-1-1 Requests for Service, by Jurisdiction

Jurisdiction	9-1-1 Origination	Not a 9-1-1 Origination	Unknown or Missing Origination	Arrests from 9-1-1 Originations
Allegany	29	33	0	17
Anne Arundel	187	173	79	135
Baltimore City	745	114	0	76
Baltimore County	591	36	0	282
Calvert	5	0	0	5
Caroline	5	4	2	5
Carroll	21	14	0	15
Cecil	61	22	1	37
Charles	133	65	0	63
Dorchester	16	10	0	8
Frederick	80	15	0	33
Garrett	4	4	0	3
Harford	36	25	1	21
Howard	130	40	1	61
Kent	2	1	0	2
Montgomery	389	100	79	135
Prince George's	1,834	1,618	8	306
Queen Anne's	8	7	0	6
Somerset	13	8	0	4
St. Mary	39	36	0	20
Talbot	6	19	1	5
Washington	135	27	0	57
Wicomico	128	29	0	42
Worchester	2	14	0	2

Note: Incidents where 9-1-1 origination status or arrest information is missing, or unknown are not included in the number of arrests. The actual number of arrests is likely higher.

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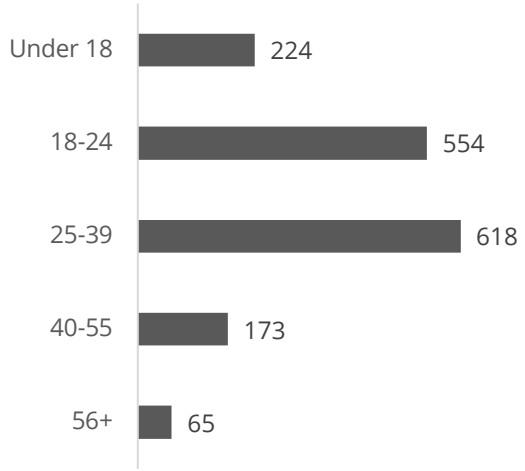
Of the 4,599 LEA incidents initiated by a 9-1-1 call, 1,340 resulted in arrest (29%). WYSAC asked LEAs to provide the age at arrest for each arrestee. LEAs provided ages for 98% (n=1,634) of the arrests where the incident was called in to 9-1-1. The youngest person arrested was 11 years old and the oldest was 87 years old. The median age of arrestees was 25 years old.

Figure 2: Age of Arrestees in 9-1-1 Originated Firearm Crime



Note: Only includes arrestees in cases that indicated "yes" to arrest and "yes" to 911 call. Does not include cases with missing information.

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Injuries and Fatalities

WYSAC asked LEAs to report the number of accidental and intentional injuries, fatalities, and suicides for adults and juveniles (Table 4). LEAs reported a total of 2,813 injuries and fatalities. LEAs did not report victim age for 23 (1%), intent for 1,988 (71%), and both age and intent for three (<0.1%) injuries and fatalities.[1] Most victims with reported ages were adults (93%, n=2,590), only 197 (7%) were juveniles. Intentional injury was the most common outcome reported by LEAs for both adults and juveniles. Sixty-three percent (n=480) of adult victims and 60% (n=21) of juvenile victims suffered an intentional injury.

WYSAC used the Centers for Disease Control and Prevention's (CDC) National Violent Death Reporting System (NVDRS) to supplement LEA-reported death data. Researchers included estimates for all firearm-related deaths including unintentional, homicide, and undetermined intent. NVDRS reported 267 firearm-related suicides and 526 other firearm-related deaths in Maryland during the calendar year 2020 (the most recent data available).[vii]

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[1] MSP and BPD did not provide or provided limited information about victim age, number of victims, and type of injury. WYSAC included injuries and fatalities reported by both agencies as a single event.

Table 4: Firearm Crimes Injuries and Deaths

	Accidental Injury		Intentional Injury		Accidental Homicide		Intentional Homicide		Suicide	
	Adult	**Juvenile**	**Adult**	**Juvenile**	**Adult**	**Juvenile**	**Adult**	**Juvenile**	**Adult**	**Juvenile**
Allegany	0	1	1	0	0	0	0	0	0	0
Anne Arundel	3	1	33	4	0	0	11	0	33	0
Baltimore City	0	0	0	0	0	0	0	0	0	0
Baltimore County	0	0	0	0	0	0	0	0	0	0
Calvert	0	0	1	0	0	0	0	0	0	0
Caroline	0	0	1	0	0	0	0	0	0	0
Carroll	0	0	2	0	0	0	2	0	1	0
Cecil	0	0	9	2	0	0	2	0	3	0
Charles	0	0	29	2	0	1	12	1	6	0
Dorchester	0	0	6	1	0	0	1	0	0	0
Frederick	2	0	10	0	0	0	3	1	3	0
Garrett	0	0	0	0	0	0	1	0	0	0
Harford	0	0	14	0	0	0	3	0	1	0
Howard	2	0	6	2	0	0	17	1	0	0
Kent	0	0	1	0	0	0	0	0	0	0
Montgomery	0	0	24	0	2	0	3	0	13	0
Prince George's	3	1	284	4	2	0	105	4	22	1
Queen Anne's	0	0	2	1	0	0	1	1	1	1
Somerset	0	0	4	0	0	0	0	0	0	0
St. Mary	0	0	14	3	0	0	5	0	2	0
Talbot	0	0	2	0	0	0	0	0	0	0
Washington	1	0	24	1	0	0	6	0	2	0
Wicomico	2	0	13	1	0	0	2	0	4	0
Worchester	0	0	0	0	0	0	0	0	0	0
Total	**13**	**3**	**480**	**21**	**4**	**1**	**174**	**8**	**91**	**2**

Note: MSP and BPD did not provide or provided limited information about victim age, number of victims, and type of injury. WYSAC included injuries and fatalities reported by both agencies as a single event.

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Arrests

Of the 7,185 reported incidents, 38% (n=2,710) indicated an arrest was made and 52% (n=3,720) reported no arrest. Arrest status was missing for 11% (n=755) of arrests.

In total, 2,665 (98%) incidents that reported an arrest included arrest-age information. Agencies could report more than one arrest for each incident. The 2,665 incidents that included one or more arrests and provided the age(s) of arrestees resulted in 3,279 total arrests. The youngest person arrested was 10 years old, and the oldest was 87 years old. The average age was 25 years old (Figure 3).

Dispositions

In total, Maryland prosecuted 1,404 unique cases with a total of 5,823 firearm-related charges in district courts. Among adults and those tried as adults in district courts, most (47%, n=6,272) were between the ages of 25 and 39 (Figure 4). The youngest person tried as an adult in district court was 14 years old, and the oldest was 86 years old. The median age was 26.

Figure 3: Age of Arrestees in Firearm Crime Incidents (9-1-1 and Not 9-1-1 Originated)

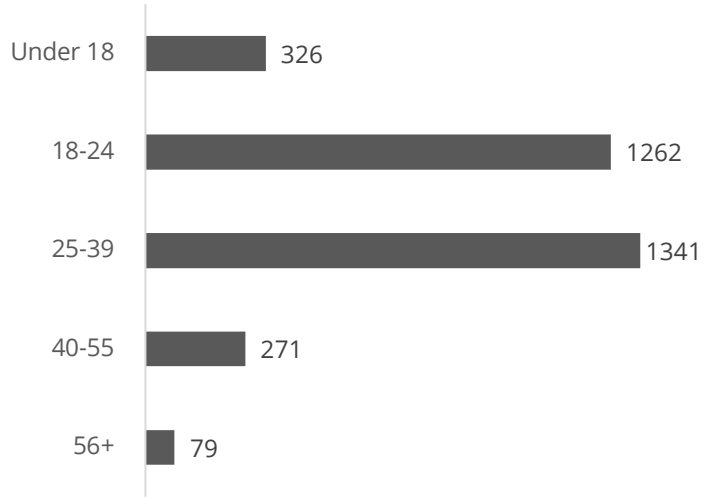

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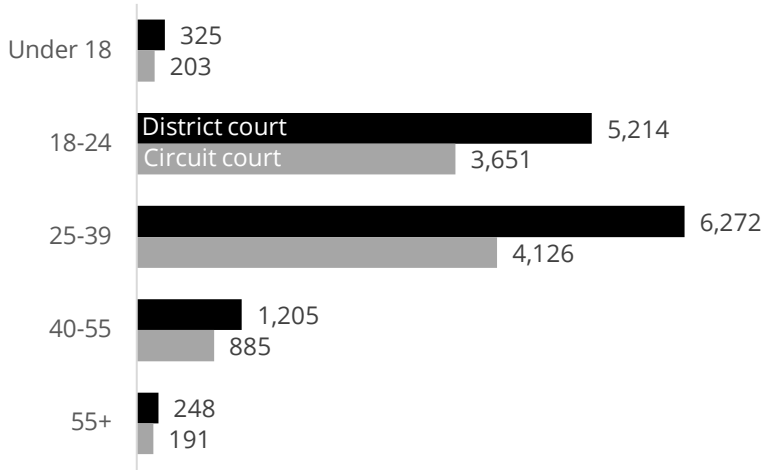
Figure 4: Age of Defendant in Firearm Crime Disposition Charges, by Court



Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Maryland prosecuted 979 unique cases with a total of 4,023 firearm related charges in circuit courts. Some circuit court cases started in district court and then transferred to circuit court. Because of this, WYSAC analyzed district and circuit court data separately.

Among adults and those tried as adults, most (43%, n=4,126) circuit court defendants were between the ages of 25 and 39 (Figure 4). The youngest person tried as an adult in circuit court was 15 years old, and the oldest was 86 years old. The median age of circuit court defendants was 26.

CHARGE AT DISPOSITION

Table 5 lists the types of firearm crimes by district and circuit court. The 5th District Court (which serves Prince George's County) had the most (n=3,892) firearm-related charges among district courts. The 8th District Court (serving Baltimore County) had the fewest firearm-related charges (n=32) among district courts.

The 7th Circuit Court (serving Calvert, Charles, Prince George's and St. Mary's counties) had the most firearm-related charges (n=3,447) among circuit courts. The 3rd Circuit Court had the fewest firearm-related charges among circuit courts with 136 charges (Table 5).

In district courts, illegal possession was the most commonly charged firearm-related crime (n=4,228) followed by crimes of violence (n=3,054). In circuit courts, crimes of violence were most common (n=3,098) followed by illegal possession (n=3,016).

Table 6 shows disposition by firearm-crime category for district courts, the majority (57%, n= 3,669) were a forward to circuit court.

Table 7 shows disposition by firearm-crime for circuit courts. In circuit court, the majority (70%, n=4,385) of cases ended with a Nolle Prosequi.

Violent Crimes

Table 8 lists charges at disposition for firearm-related crimes of violence in district and circuit courts. In both courts, assault in the first or second degree was the most common type of violent crime, followed by murder in the first or second degree.

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Table 5: Charge at Disposition, by Court

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transport	Straw Purchase	Total
1st District	349	1	11	35	168	0	22	0	**586**
2nd District	159	4	17	0	148	0	38	0	**366**
3rd District	130	5	36	0	189	5	33	0	**398**
4th District	268	3	21	0	206	0	50	0	**548**
5th District	1,009	47	308	0	2,063	2	463	0	**3,892**
6th District	262	6	37	0	324	1	55	0	**685**
7th District	342	9	84	0	615	1	126	1	**1,178**
8th District	2	0	4	0	22	0	6	0	**34**
9th District	57	0	11	0	53	0	9	0	**130**
10th District	222	2	30	0	192	0	25	0	**471**
11th District	239	3	37	0	180	0	18	0	**477**
12th District	15	2	12	0	68	0	15	0	**112**
Total	**3,054**	**82**	**608**	**35**	**4,228**	**9**	**860**	**1**	**8,877**

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transport	Straw Purchase	Total
1st Circuit	144	2	13	0	131	1	24	0	**315**
2nd Circuit	132	2	33	0	159	4	25	0	**355**
3rd Circuit	53	0	8	0	65	0	10	0	**136**
4th Circuit	152	5	31	0	144	0	18	0	**350**
5th Circuit	572	10	91	0	733	1	149	1	**1,557**
6th Circuit	233	4	17	2	142	0	14	0	**412**
7th Circuit	1,534	15	219	0	1,413	2	264	0	**3,447**
8th Circuit	278	0	17	23	229	0	2	0	**549**
Total	**3,098**	**38**	**429**	**25**	**3,016**	**8**	**506**	**1**	**7,121**

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Table 6: District Court - Charge at Disposition, by Disposition

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transport	Straw Purchase	Total
Abate by death	4	2	3	0	17	0	1	0	27
Acquittal	2	1	0	0	11	0	3	0	17
Dismissed	43	1	1	0	38	0	5	0	88
Extradition	1	0	0		0	0	0	0	1
Forwarded - Circuit Court	1,595	24	226	34	1,515	5	269	1	3,669
Guilty	11	0	2	0	63	0	19	0	95
Jury trial prayed	21	1	14	1	119	0	28	0	184
Nolle Prosequi	602	24	127	0	1,161	1	239	0	2,154
Not guilty	4	0	2	0	4	0	0	0	10
Not guilty/NP/dismissed	0	0	1	0	2	0	0	0	3
Probation before judgement	10	0	0	0	32	0	21	0	63
Stet	13	1	3	0	67	0	22	0	106

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Table 7: Circuit Court- Charge at Disposition, by Disposition

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transport	Straw Purchase	Total
Abate by death	0	1	2	0	17	0	3	0	**23**
Acquittal	11	0	0	0	4	0	0	0	**15**
Closed jeopardy or other conviction	121	0	13	13	92	0	2	0	**241**
Dismissed	3	0	5	0	44	0	11	0	**63**
Guilty	494	0	28	0	503	0	53	0	**1,078**
Incompetent to stand trial	5	0	0	0	6	0	0	0	**11**
Jury trial prayed	1	0	0	0	0	0	0	0	**1**
Lesser included offenses	6	0	0	0	0	0	0	0	**6**
No verdict	14	0	0	1	2	0	0	0	**17**
Nolle Prosequi	1,874	30	297	9	1,848	5	321	1	**4,385**
Not criminally responsible	2	0	0	0	0	0	0	0	**2**
Not guilty	70	1	3	1	29	0	4	0	**108**
Not sent to jury	3	0	0	0	7	0	0	0	**10**
Probation before judgement	9	0	0	0	35	1	27	0	**72**
Stet	116	1	19	1	99	0	28	0	**264**
Sub curia	1	0	0	0	1	0	0	0	**2**
Transferred to other Jurisdiction	2	0	0	0	0	0	0	0	**2**

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Table 8: Charge at Disposition for Firearm-related Crimes of Violence, by Court Level

	District	Circuit
Not Violent Crime	10,171	6,597
Accessory assault in the first or second degree	6	4
Accessory murder in the first, second, or third degree	6	1
Arson	1	1
Assault in the first or second degree	1,910	1,939
Attempted armed carjacking	7	0
Attempted armed robbery with a dangerous weapon	194	175
Attempted burglary in the first, second, or third degree	13	7
Attempted carjacking	6	6
Attempted home invasion	5	5
Attempted kidnapping	0	1
Attempted murder in the first or second degree	159	165
Attempted rape in the first or second degree	1	2
Burglary in the first, second, or third degree	18	12
Carjacking	18	19
Conspiracy armed carjacking	31	18
Conspiracy armed robbery with a dangerous weapon	41	59
Conspiracy assault in the first, second, or third degree	81	85
Conspiracy attempted murder in the first or second degree	20	0
Conspiracy carjacking	0	46
Conspiracy kidnapping	0	6
Conspiracy manslaughter	1	0
Conspiracy murder in the first or second degree	16	42
Conspiracy robbery	25	60
Escape in the first degree	1	0
Home Invasion	20	23
Human trafficking	2	0
Kidnapping	3	8
Manslaughter	2	4
Murder in the first or second degree	328	258
Rape in the first or second degree	7	6
Robbery	128	142
Sexual offense in the first, second, or third degree	4	2

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Table 9: Other Charges at Disposition

Animal Cruelty	2
Arson	1
Assault Offenses	161
Bribery	2
Burglary/Breaking and Entering	46
Destruction/Damage/Vandalism of Property	150
Disorderly Conduct	139
Driving Under the Influence	284
Drug/Narcotics Offense	2,992
Drunkenness	1
Escape	6
Fraud Offenses	79
Homicide Offenses	141
Hunting	20
Kidnapping/Abduction	15
Larceny/Theft Offenses	435
Motor Vehicle Theft	143
Other Offenses	1,262
Prostitution Offenses	1
Robbery	17
Sex Offenses	17
Stalking	6
Traffic	1,249
Trespass of Real Property	29
Violation of Protection Order	33

Note: Because district court cases are regularly transferred to circuit court, we analyzed district and circuit court dispositions separately.

Source: AOC

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Non-Violent Crimes

Table 9 shows the number of dispositions related to firearms, but unrelated to crimes of violence and weapons law violations. Among these dispositions, the most common offenses were drug/narcotic (41%; n=2,992), other (18%; n=1,262) and traffic (17%; n=1,249).

Crime Firearms

LEAs recovered one or more firearms in 49% (n=3,513) of reported incidents and provided information about 4,454 recovered firearms. Most incidents reported only one related firearm recovery. A total of 474 (13%) incidents resulted in the recovery of more than one firearm. In a single incident, one LEA recovered 42 firearms.

LEAs recovered firearms in all 24 jurisdictions. LEAs responding to incidents in Prince George's County recovered the greatest number of firearms (n=1,464, 33%), followed by Montgomery County (n=748, 17%), and Baltimore County (n=633, 14%).

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Of the 4,454 crime firearms recovered by LEAs, 65% (n=2,881) had a serial number (Figure 5). LEAs were unsure if there was a serial number for 3% (n=135) of recovered firearms. Information on serial numbers was missing for 2% (n=95) of recovered firearms. Twenty-three percent of recovered firearms were recorded as unknown or were missing data (n=1,028). Only 4% (n=181) of recovered firearms were recorded as privately made.

Seventy eight percent (n=3,491) of recovered firearms were handguns, followed by rifles (11%, n=454), and then by shotguns (6%, n=266; Figure 7). Five percent (n=243) of recovered firearms were unknown or 'other.'

A total of 2,419 firearms were recovered during incidents initiated by a 9-1-1 call (Figure 6).

Figure 5: Recovered Firearms, by Serial Number Status

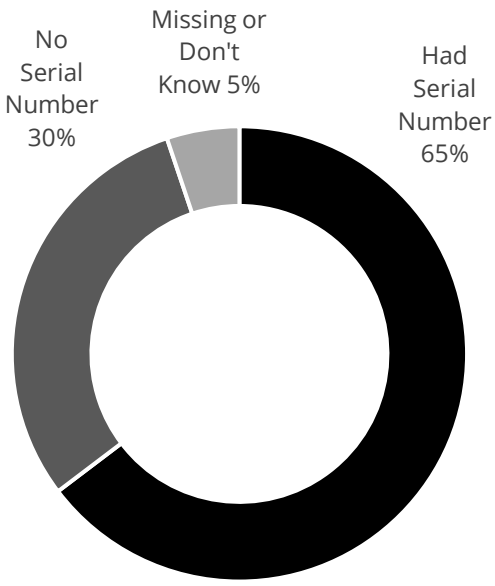

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Table 10: Recovered Firearms, by Incident Location

Jurisdiction	Number of Firearms
Allegany	76
Anne Arundel	444
Baltimore City	206
Baltimore County	633
Calvert	4
Caroline	23
Carroll	33
Cecil	94
Charles	160
Dorchester	20
Frederick	43
Garrett	8
Harford	41
Howard	127
Kent	3
Montgomery	748
Prince George's	1,464
Queen Anne's	15
Somerset	10
St. Mary	72
Talbot	33
Washington	84
Wicomico	93
Worchester	20

Note: The jurisdiction is the location the incident was reported in.

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Figure 6: Firearm Recovery, by 9-1-1 Origination

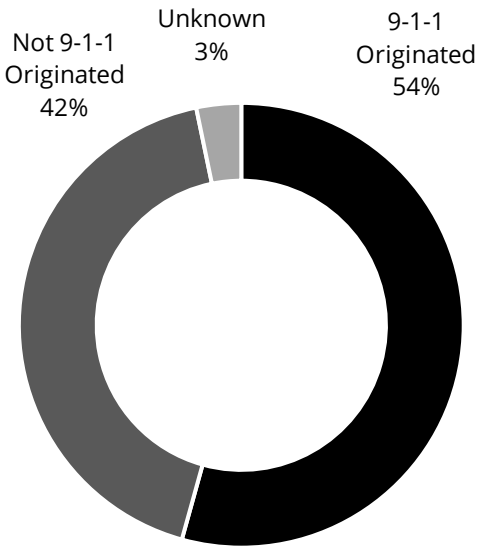

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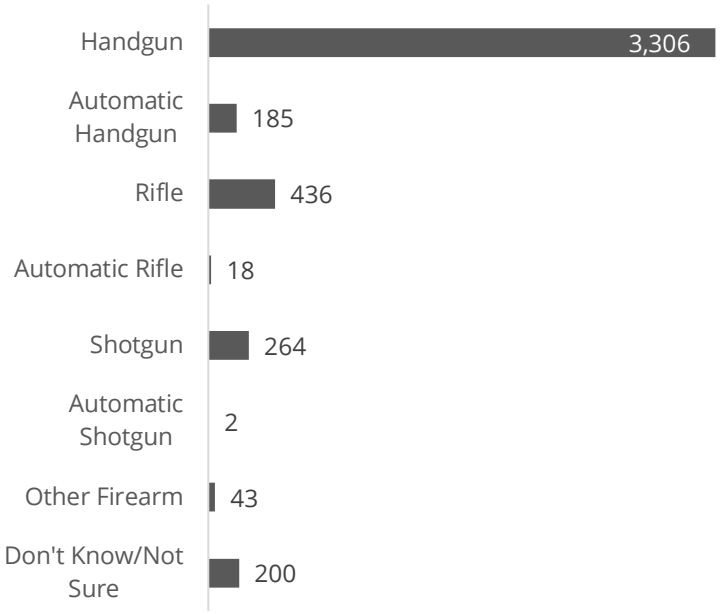
Figure 7: Recovered Firearm Type



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Recovery Location

LEAs provided a recovery location for recovered firearms in 80% (n=3,562; Table 11) of the firearm records. A total of 892 (20%) firearms did not specify a recovery location.

WYSAC used data from the ATF to supplement recovery location data provided by LEAs (Table 12 and Table 13). The ATF reports the top-ten firearm recovery cities each calendar year.

Table 12: Firearm Recovery Location

Jurisdiction	Number of Firearms
Not Specified	892
Allegany	73
Anne Arundel	430
Baltimore City	205
Baltimore County	11
Calvert	4
Caroline	21
Carroll	31
Cecil	91
Charles	156
Dorchester	20
Frederick	42
Garrett	8
Harford	41
Howard	102
Kent	2
Montgomery	582
Prince George's	1.458
Queen Anne's	15
Somerset	10
St. Mary	36
Talbot	28
Washington	84
Wicomico	92
Worchester	20

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Table 11: Top-10 Maryland Firearm Recovery Cities, 2020

City	2020
Baltimore	2,407
Glen Burnie	267
Hagerstown	214
Hyattsville	214
Pasadena	189
Silver Springs	183
Laurel	182
Waldorf	179
Frederick	174
Elkton	171

Note: ATF data is available by calendar year, not fiscal year.

Source: ATF

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Table 13: Top-10 Maryland Firearm Recovery Cities, 2021

City	2021
Baltimore	2,631
Frederick	308
Silver Springs	305
Laurel	303
Waldorf	260
Hyattsville	241
Oxon Hill	214
Hagerstown	201
Temple Hills	194
Pasadena	193

Note: ATF data is available by calendar year, not fiscal year.

Source: ATF

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Origin of Crime Firearms

WYSAC requested data about each firearm's origin, however, only 1,053 firearms (24%) included origin data. Both the data collected from LEAs, and data reported by ATF indicate Maryland is the origin state for most crime firearms recovered in the State. Virginia is the second most common source state.

IN-STATE ORIGIN

Of the recovered crime firearms with origin information, 428 (41%) originated from Maryland.

Atlantic Guns in Rockville sold the largest number of crime firearms (n=49). Table 15 lists the top-ten locations with the most crime firearm sales.

RESULTS OF AUDITS OF FIREARM DEALERS

WYSAC summarized the results of the MSP's audits for the top-ten Maryland retailers of recovered firearms during the time period of August 1, 2020 to July 31, 2021.

Atlantic Guns

The Dealer Audit Unit conducted a compliance audit of *Atlantic Guns* in Rockville, Maryland on February 10, 2021. The audit found that the dealer had a valid and properly displayed regulated firearm dealer (RFD) license, federal firearms license (FFL), trader's license, and a Maryland tax license. At the time of inspection, the dealer had 85 regulated firearms (RFs), all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

Table 14: Jurisdiction of In-State Originated Recovered Firearms

Jurisdiction	Number of Firearms
Allegany	1
Anne Arundel	122
Baltimore City	0
Baltimore County	0
Calvert	0
Caroline	3
Carroll	4
Cecil	14
Charles	17
Dorchester	5
Frederick	9
Garrett	0
Harford	1
Howard	10
Kent	0
Montgomery	231
Prince George's	3
Queen Anne's	0
Somerset	0
St. Mary	6
Talbot	0
Washington	2
Wicomico	0
Worchester	0

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Table 15: Top-Ten Maryland Retailers of Recovered Firearms

Store Name	Number of Handguns	Number of Rifles	Number of Shotguns	Total Number of Firearms
Atlantic Guns	26	15	8	49
United Guns	26	8	4	38
Engage Armament	4	2	5	11
A&D Pawn	7	0	1	8
Maryland Small Arms	4	1	1	7*
Fort Meade Exchange	2	2	2	6
Realco Guns	5	1	0	6
The Gun Shop	3	1	2	6
Heritage Training & Shooting	1	1	0	5
Arundel Firearms & Pawn	2	2	0	4

Note: Of recovered firearms with origin information.

*Includes reported "other" firearms

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United Gun Shop

The Dealer Audit Unit conducted a compliance audit of *United Gun Shop* on March 24, 2021. The audit found that the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 55 RFs, all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

Engage Armament

The Dealer Audit Unit conducted a compliance audit of *Engage Armament* on June 10, 2021. The audit found that the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 152 RFs, all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

A&D Pawn

The Dealer Audit Unit conducted a compliance audit of A&D Pawn Shop on September 7, 2020. A discrepancy was identified between the compliance inspection report and the supplemental documentation. The compliance inspection report documented 47 RFs in the store's inventory, all properly logged. However, the audit's supplemental report indicated 92 firearms in the store, also properly logged. The audit found that the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. The auditor found the dealer had

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incorrectly recorded a serial number during one firearm transfer. The auditor recommended the dealer correct the serial number in all documentation. The audit was satisfactory.

Realco Guns

The Dealer Audit Unit conducted a compliance audit of *Realco Guns, Inc* on April 16, 2021. The audit found that the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 13 RFs, all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

Maryland Small Arms

The Dealer Audit Unit conducted a compliance audit of *Maryland Small Arms* on June 8, 2021. The audit found that the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 33 RFs, all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

Fort Meade [Army Air Force] Exchange

The Dealer Audit Unit conducted a compliance audit of *Army Air Force Exchange* on January 20, 2021. The audit found that the dealer had a valid and properly displayed RFD license and FFL. A trader's license and a Maryland tax license were not required due to the store being a military dealer. At the time of inspection, the dealer had 11 RFs, all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

Heritage Training and Shooting Center

The Dealer Audit Unit conducted a compliance audit of the *Heritage Training and Shooting Center* on January 28, 2021. The audit found that the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 50 RFs, all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

Arundel Firearms & Pawn

The Dealer Audit Unit completed two audits of Arundel Firearms & Pawn. The first audit, a compliance inspection on May 24, 2021, found that the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 41 RFs, all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

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The Dealer Audit Unit conducted a second audit, a targeted audit, on July 21, 2021. This targeted audit was initiated due to a dealer's transfer of a lower receiver to a customer. Although the dealer completed form 4473, the 'Firearms Transaction Record,' they failed to fill out form 77R, the 'Maryland State Police Application and Affidavit to Purchase a Regulated Firearm.' The Dealer Audit Unit communicated to the dealer that form 77R was necessary for this sale, as the lower receiver, being AR-15 capable, falls under regulation. The customer returned the lower receiver to the dealer for appropriate reprocessing.

OUT OF STATE ORIGIN

LEAs reported 620 recovered firearms with an out-of-state origin. Table 16 lists the top-ten states of origin reported by LEAs during the reporting period. Table 17 lists the ATF's top-ten states-of-origin for calendar year 2020 and Table 18 lists the ATF's top-ten states-of-origin for calendar year 2021.

Table 16: Top-Ten States of Origin of Recovered Firearms with Out-of-State Origin

State	Number of Firearms
Virginia	154
Georgia	55
Pennsylvania	46
West Virginia	40
North Carolina	39
Florida	32
South Carolina	32
Delaware	28
Texas	24
Massachusetts	21

Note: Of recovered firearms with origin information.

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Table 18: Top-Ten States of Origin of Recovered Firearms, 2020

State	2020
Virginia	1,070
Georgia	340
Pennsylvania	313
West Virginia	247
North Carolina	221
South Carolina	188
Delaware	138
Florida	133
Ohio	114
Texas	105

Note: ATF data is by calendar year, not fiscal year.

Source: ATF

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Table 17: Top-Ten States of Origin of Recovered Firearms, 2021

State	2021
Virginia	1,128
Georgia	376
Pennsylvania	325
North Carolina	288
South Carolina	259
West Virginia	248
Delaware	141
Ohio	139
Florida	134
Texas	132

Note: ATF data is by calendar year, not fiscal year.

Source: ATF

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OTHER STATE'S FIREARM LAWS

As shown in Table 16, for the period August 2020 to July 2021, the ten states where the most crime firearms recovered in Maryland originated, in descending order, are: (1) Virginia; (2) Georgia; (3) Pennsylvania; (4) West Virginia; (5) North Carolina; (6) Florida; (7) South Carolina; (8) Delaware; (9) Texas; and (10) Massachusetts. Since last year's report, Texas and Massachusetts have replaced Alabama and Arizona in the top ten (Texas previously appeared in the top ten in 2021's report). What follows is a summary of major changes to those states' laws regarding licensing, background checks, waiting periods, straw purchases, and concealed carry since 2022's report, followed by a brief comparison of the laws in those states in those five areas.[2] Each section begins with a short summary of Maryland law—and, as necessary, federal law—to put these laws in perspective.

Significant Changes Since 2021

At its 2023 session, the Maryland General Assembly passed several pieces of firearm legislation in response to the United States Supreme Court's decision in *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), and the Appellate Court of Maryland's decision in *In re Rounds*, 255 Md. App. 205 (2022), which invalidated under the Second Amendment the State's former requirement that only an individual with "good and substantial reason" to carry a handgun could apply for a handgun carry permit.

As relevant here, House Bill 824 (2023 Md. Laws, ch. 651) repealed the "good and substantial reason" requirement but added other new prerequisites for a handgun carry permit, discussed further below in Part F. Senate Bill 1 (the Gun Safety Act of 2023, 2023 Md. Laws, ch. 680) established a list of sensitive places where an individual, even with a permit, may not wear, carry, or transport a handgun. As of this writing, the United States District Court for the District of Maryland has preliminarily enjoined, in part, the enforcement of S.B. 1, specifically its restrictions on carrying in locations selling alcohol, on private property (other than dwellings) without the owner's consent, and within 1000 feet of a public demonstration. Order, *Kipke v. Moore*, No. GLR-23-1293 (D. Md. Sept. 29, 2023), ECF No. 32; *see also* Order Granting Defendants' Motion for Relief (D. Md. Oct. 2, 2023), ECF No. 35.

In 2023, North Carolina repealed its permit requirement to purchase handguns and abolished its state-law background check requirements, so that only the minimum requirements of federal law apply to the purchase of firearms in North Carolina. N.C. Sess. Laws 2023-8. However, the state still requires a permit to carry a concealed weapon.

[2] This comparison draws from the survey of state gun laws prepared by the Giffords Law Center to Prevent Gun Violence, https://giffords.org/lawcenter/gun-laws/browse-gun-laws-by-state/ (last visited Nov. 6, 2023).

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Florida abolished its requirement for a concealed carry permit in 2023. Fla. Laws 2023-18. Any person who would satisfy the requirements for a permit (other than the training requirement, which does not apply to permitless carry) may now carry a concealed firearm in Florida without obtaining a permit. Fla. Stat. § 790.01.

Licensing

Maryland

Maryland does not require a license to own a firearm. It does, however, have an application process to purchase, rent, or transfer certain firearms and a specific licensing requirement to purchase, rent, or receive a handgun. As to application requirements, generally speaking, a person must submit a firearm application "before the person purchases, rents, or transfers a regulated firearm." Md. Code Ann., Pub. Safety ("PS") § 5-117. The term "regulated firearm" is defined as handguns and specified assault weapons, so this requirement does not apply to non-assault weapon rifles and shotguns. PS § 5-101(r). The firearm application must be submitted to either a licensed firearms dealer or a designated law enforcement agency, PS § 5-118(a), which, in turn, must forward a copy to the Secretary of the Maryland State Police for processing, PS § 5-120.

As part of Maryland's firearm application, the applicant must state under the penalty of perjury that the applicant: (i) is at least 21 years old; (ii) has never been convicted of a disqualifying crime; (iii) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years; (iv) is not a fugitive from justice; (v) is not a "habitual drunkard"; (vi) is not addicted to a controlled dangerous substance or is not a habitual user; (vii) does not suffer from a mental disorder and have a history of violent behavior; (viii) has never been found incompetent to stand trial; (ix) has never been found not criminally responsible; (x) has never been voluntarily admitted for more than 30 consecutive days to a facility for individuals with mental disorders; (xi) has never been involuntarily committed to such a facility; (xii) is not under the protection of a guardian appointed by a court unless solely as a result of a physical disability; (xiii) is not a respondent against whom protective orders have been entered; and (xiv) if under the age of 30 years at the time of application, has not been adjudicated delinquent by a juvenile court for certain acts. PS § 5-118(b).

On receipt of a firearm application, the Secretary of the Maryland State Police "shall conduct an investigation promptly to determine the truth or falsity of the information supplied and statements made in the firearm application." PS § 5-121. The Secretary shall disapprove a firearm application if the Secretary determines it contains falsities or is not properly completed,

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or if the Secretary "receives written notification from the firearm applicant's licensed attending physician that the firearm applicant suffers from a mental disorder and is a danger to the firearm applicant or to another." PS § 5-122. An aggrieved applicant may request a hearing in writing within 30 days after the Secretary gives notice that the application has been disapproved, and the Secretary shall grant the hearing within 15 days. PS § 5-126(a). The hearing must be held in the county of the applicant's legal residence, PS § 5-126(c), and is subject to judicial review, PS § 5-127.

As to licensing requirements, there is a specific provision that requires a license to obtain a handgun. With certain limited exceptions, a person may "purchase, rent, or receive a handgun" only if the person possesses a valid handgun qualification license issued by the Secretary of the Maryland State Police and is not prohibited from purchasing or possessing a handgun under state or federal law. PS § 5-117.1(c). The Secretary "shall issue" a handgun qualification license to a person who the Secretary finds is at least 21 years of age, is a resident of the state, has demonstrated satisfactory completion within the past 3 years of a firearms safety training course approved by the Secretary, and, based on an investigation, is not prohibited by state or federal law from purchasing or possessing a handgun. PS § 5-117.1(d). As part of the investigation, the Secretary must submit a complete set of the applicant's fingerprints to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services and apply for a state and national criminal history records check. PS § 5-117.1(f). The Secretary shall issue a handgun qualification license if the application is approved, or a written denial, within 30 days of receipt of the application, and aggrieved applicants have similar appeal rights to those described above. PS § 5-117.1(h). The license expires 10 years from the date of issuance. PS § 5-117.1(*i*). A person who meets the requirements for a permit to carry, wear, or transport a handgun (*i.e.*, a concealed carry permit), may also be issued a handgun qualification license without an additional application or fee. PS § 5-306(e).

Other states

A person wishing to purchase or possess a firearm in Massachusetts generally must obtain either a Firearm Identification Card or a License to Carry. A Firearm Identification Card allows the purchase and possession of rifles and shotguns that are not "large capacity" weapons. Mass. Gen. Laws ch. 140, §§ 129B(6), 131E; *see also id.* § 121 (defining "large capacity"). A License to Carry allows the purchase and possession of all lawful firearms and also functions as a concealed carry permit. *Id.* §§ 131, 131E. Both types of license are issued by local police departments. *Id.* §§ 121, 129B, 131. Both types require a determination that no grounds for disqualification apply, following a background check. *Id.* §§ 129B(1), 131, 131F. A license may also be denied on the grounds that the applicant is "unsuitable," meaning that there is reliable reason to believe they pose a threat to public safety. To deny a Firearm Identification Card on

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this ground, a licensing authority must petition a court for a determination of unsuitability, *id.* § 129B(1.5); in contrast, a licensing authority may deny a License to Carry upon its own determination that the applicant is unsuitable, subject to judicial review, *id.* § 131(d).

None of the other states surveyed require a license to own a firearm nor do they have a firearm application process to obtain or transfer a firearm (beyond the background checks discussed in the next section). North Carolina formerly required a license to purchase or receive a "pistol," but repealed that requirement in 2023. N.C. Sess. Laws 2023-8.

Background Checks

In order to understand state laws on background checks, some knowledge of federal law is required. The principal federal law concerning background checks is the Brady Act, which, among other things, requires licensed firearms dealers to request a background check on a purchaser prior to the sale of a firearm. 18 U.S.C. § 922(t). States have the option under that law to serve as the "point of contact" for all firearm transactions and have state and local agencies conduct required background checks using state and federal databases or to have the Federal Bureau of Investigation ("FBI") conduct background checks using only the National Instant Criminal Background Check System ("NICS"). The key difference is that point-of-contact states often search records that may not show up in the NICS. Notably, the Brady Act does not require private sellers (i.e., sellers who are not licensed firearms dealers) to request a background check.

Maryland

Maryland is considered a partial point-of-contact state, because the background check process depends on the type of firearm. For handguns, licensed firearms dealers contact the Secretary of the Maryland State Police to request a background check; for long guns, they contact the FBI. PS § 5-117.1(f). Private sellers, meanwhile, must process transfers of regulated firearms through a licensed dealer or designated law enforcement agency, which, in turn, requests a background check from the appropriate entity. PS § 5-124(a).

Other states

Four of the states surveyed—Virginia, Pennsylvania, Delaware, and Florida—are currently point-of-contact states. Thus, licensed firearm dealers in those states process all of their background checks through the State Police (in Florida, the Department of Law Enforcement), rather than the FBI. Each state has enacted laws to implement its own background check requirements. For example, Virginia provides that no dealer shall "sell, rent, trade, or transfer from his inventory" any firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and other information from the applicant and (ii) requested criminal

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history information from the State Police and is authorized by law to complete the sale or transfer. Va. Code Ann. § 18.2-308.2:2. Pennsylvania, meanwhile, requires licensed firearms dealers to request that the State Police conduct a "criminal history, juvenile delinquency and mental health records background check" prior to the transfer of a firearm. 18 Pa. Cons. Stat. Ann. § 6111. Delaware enacted legislation in 2022 to require dealers to submit requests for background checks to the State Bureau of Identification of the Delaware State Police, which will then transmit a request for a background check to the NICS system and also "search other available databases" to determine if the requesting individual is a prohibited purchaser. Del. Code Ann. tit. 11, § 8572.[3] Florida prohibits a licensed firearms dealer from selling or delivering a firearm until the licensed firearms dealer has obtained a prescribed form with photo identification, collected a fee, requested a check of information reported in the Florida Crime Information Center and National Crime Information Center systems, and received a unique approval number from the Department of Law Enforcement. Fla. Stat. Ann. § 790.065.[4]

Six of the states surveyed—Georgia, West Virginia, North Carolina, South Carolina, Texas, and Massachusetts—are not point-of-contact states. North Carolina was a partial point-of-contact state until 2023, when it repealed its law on the subject. N.C. Sess. Laws 2023-8. Licensed firearms dealers in those states run the background checks required by federal law through the FBI and the NICS. Georgia has a state law, and Massachusetts has a regulation, reiterating the requirement in federal law that all transfers by licensed firearms dealers are subject to background checks through the NICS. Ga. Code Ann. § 16-11-172; 803 Mass. Code Regs. § 10.07(3). The remaining four states have no state law requiring licensed firearms dealers to initiate background checks prior to transferring a firearm, thus relying solely on federal law.[5]

[3] While Delaware's new legislation required the state to begin processing background checks by June 2023, the implementation of the measure making Delaware a point-of-contact state has been delayed by staffing constraints. Paul Kiefer, *State Senate Passes Permit-To-Purchase Bill for Handguns*, Delaware Public Media (May 2, 2023), https://www.delawarepublic.org/politics-government/2023-05-02/state-senate-passes-permit-to-purchase-bill-for-handguns.

[4] In 2018, following the Marjory Stoneman Douglas High School mass shooting in Parkland, Florida, Maryland and three of the surveyed states, namely Florida, Delaware, and Massachusetts, enacted "red flag" laws permitting state courts to order the temporary removal of firearms from individuals who pose a danger to themselves or others, known as a "risk protection order," Fla. Stat. Ann. § 790.401, "lethal violence protective order," Del. Code Ann. Tit. 10, § 7701 *et seq.*, or "extreme risk protective order," PS § 5-601 *et seq.*; Mass. Gen. Laws ch. 140, § 131R. Virginia enacted a similar law in 2020. Va. Code Ann. § 19.2-152.14. Maryland's law allows law enforcement officers, spouses, cohabitants, persons related by blood, marriage, or adoption, individuals who have a child in common, current dating or intimate partners, current or former legal guardians, and medical professionals or social workers to petition for such an order, which requires a person to surrender any firearm in the person's possession and prohibits the person from purchasing or possessing a firearm for the duration of the order, up to one year. *See* PS § 5-601 *et seq*. West Virginia, in contrast, affirmatively prohibits the enforcement of "red flag" orders. W. Va. Code § 61-7B-6.

[5] Individuals who hold certain permits issued by state or local authorities, often referred to as Brady permits, may bypass the federally required background check, provided the permit has been issued (1) within the previous five years in the state in which the transfer is to take place and (2) after an authorized government official has conducted a

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Three of the states surveyed—Virginia, Delaware, and Pennsylvania—have enacted state laws that require private sellers to obtain a background check. In Virginia, private sellers must obtain verification from a licensed firearms dealer that information on the prospective purchaser has been submitted for a background check and that a determination has been received by the State Police that the purchaser is not prohibited from possessing a firearm. Va. Code Ann. § 18.2-308.2:5. Similarly, in Delaware, private sellers must request a licensed firearms dealer to facilitate a firearms transaction, including the background check, prior to transferring a firearm to another unlicensed person. Del. Code Ann. tit. 11, § 1448B. In Pennsylvania, private sellers may only sell a handgun or short-barreled rifle or shotgun at "the place of business of a licensed importer, manufacturer, dealer or county sheriff's office" and the licensed entity must conduct a background check "as if [it] were the seller of the firearm." 18 Pa. Cons. Stat. Ann. § 6111(c).

Seven of the states surveyed—Florida, Georgia, North Carolina, South Carolina, West Virginia, Massachusetts, and Texas—do not require private sellers to initiate a background check when transferring a firearm. However, the Florida Constitution states that "[e]ach county shall have the authority to require a criminal history records check . . . in connection with the sale of any firearm occurring within such county." The term "sale" for purposes of this section "means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access." Fla. Const. Art. VIII § 5(b). Notably, this local option provision does not extend to "[h]olders of a concealed weapons permit as prescribed by general law" when purchasing a firearm. *Id.* Massachusetts allows private sellers to sell or transfer up to four firearms per calendar year without going through a licensed gun dealer; there is no requirement of a background check for the individual sale or transfer, although, as discussed above, the buyer or recipient of the firearm must have a valid permit (which itself requires a background check). *See* Mass. Gen. Laws ch. 140, § 128A. Private sales must also be conducted through an online portal which reports the transaction to the state and allows the seller to verify the validity of the buyer's license. *Id.* North Carolina previously required background checks for private sales of pistols, but repealed that law in 2023.

Under federal law, if a licensed firearms dealer who has initiated a background check has not been notified within three business days that the purchaser is prohibited from possessing a firearm, the dealer may proceed with the sale by default. 18 U.S.C. § 922(t)(1). Four of the states

background investigation to verify that the purchaser is not prohibited from possessing a firearm. *See* 18 U.S.C. § 922(t)(3); *see also* Bureau of Alcohol, Tobacco, Firearms and Explosives, Permanent Brady Permit Chart, https://www.atf.gov/rules-and-regulations/permanent-brady-permit-chart (last updated Aug. 10, 2023). Five of the states surveyed—Georgia, West Virginia, North Carolina, South Carolina, and Texas—issue Brady permits. Maryland does not.

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surveyed—Virginia, Delaware, Pennsylvania, and Florida—have enacted laws that extend this timeframe either directly or indirectly. In Virginia, if a licensed firearms dealer is told that the background check will not be available by the end of the dealer's fifth business day, the dealer may immediately complete the sale. Va. Code Ann. § 18.2-308.2:2(B)(2). In Delaware, if 25 days have elapsed from the time the background check is requested and the State Police still have not issued a denial, the transfer may proceed. Del. Code Ann. tit. 11, § 1448A(b). In a departure from those specified extensions, Pennsylvania law provides that if the criminal history or juvenile delinquency check indicates a conviction for a misdemeanor that the State Police cannot determine is or is not related to an act of domestic violence, the State Police shall issue a temporary delay and investigate as expeditiously as possible, but no firearm may be transferred during the temporary delay. 18 Pa. Cons. Stat. Ann. § 6111(b)(7). Thus, the transfer is held not for a specific number of days but rather pending the investigation. In all other cases, Pennsylvania law allows ten days for completion of the background check. *Id.* § 6111(b)(1.1)(iii). Florida's mandatory waiting period for the delivery of a firearm, discussed further below, ends after three days or upon completion of a background check, whichever is *later*. Fla. Stat. Ann. § 790.0655.

Massachusetts grants licensing authorities 40 days to complete a background check; however, this 40-day period only applies to the issuance of a firearm license, and not to each individual purchase of a firearm, where the default federal rule applies. *See* Mass. Gen. Laws ch. 140, §§ 129B(3), 131(e).

Waiting Periods

Maryland

In Maryland, except for transfers to certain law enforcement and military personnel, no person—regardless of whether they are a licensed firearms dealer or a private seller—may "sell, rent, or transfer a regulated firearm," that is, a handgun or specified assault weapon, until 7 days after a firearm application is forwarded to the Secretary of the Maryland State Police. PS §§ 5-123(a), 5-124(a)(1), 5-137(b).

Other states

Only one of the states surveyed—Florida—has enacted a waiting period law. In Florida, there is a mandatory waiting period between the purchase and delivery of any firearm. The waiting period is 3 days, excluding weekends and legal holidays, or the time that it takes to complete the background check, whichever is later. Fla. Stat. Ann. § 790.0655. However, there are exemptions to this requirement. For example, the waiting period does not apply when the purchaser of any firearm has a concealed carry permit, when the purchaser of a rifle or shotgun has completed a hunter safety course, or when the purchaser of a rifle or shotgun is a law

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enforcement officer, correctional officer, or service member. *Id*. The waiting period also does not apply to the trade-in of another firearm. *Id*.

The remaining states do not have any express waiting period. As discussed above, though, some states effectively have waiting periods to the extent the purchase or transfer of a firearm cannot be completed until the appropriate license or permit has been issued or required background checks have been completed.

Straw Purchases

The term "straw purchase" generally refers to the situation where a purchaser is buying a firearm on behalf of someone else who is ineligible to purchase or possess that firearm. Federal law prohibits any person from selling or otherwise disposing of a firearm to a person if the seller "know[s]" or has "reasonable cause to believe" the buyer is prohibited from possessing a firearm. *See* 18 U.S.C. § 922(d).

The federal Safer Communities Act, enacted in 2022, added a new prohibition on straw purchases. The statute makes it a federal crime to knowingly purchase, or conspire to purchase, a firearm for another person, "knowing or having reasonable cause to believe" that the other person is prohibited from purchasing a firearm under federal law, intends to use the firearm in furtherance of a felony, terrorism, or drug trafficking, or intends to sell or dispose of the firearm to a prohibited person. 18 U.S.C. § 932.

Maryland

Maryland law expressly defines "straw purchase" to mean "a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to: (1) complete the application to purchase a regulated firearm; (2) take initial possession of the regulated firearm; and (3) subsequently transfer the regulated firearm to the person." PS § 5-101(v). A person may not "knowingly or willfully participate" in a straw purchase of a regulated firearm. PS § 5-136(b). If the regulated firearm is a gift to the purchaser's spouse, parent, grandparent, grandchild, sibling, or child, the recipient must nonetheless complete a firearm application and forward a copy to the Secretary within 5 days of receipt of the firearm. PS § 5-136(a). A person may not "knowingly give false information or make a material misstatement in a firearm application or in an application for a dealer's license." PS § 5-139.

Other states

Seven of the states surveyed—Virginia, Florida, Delaware, North Carolina, Pennsylvania, Texas, and Massachusetts—prohibit providing false information in connection with a firearms transfer. In Virginia and Florida, the law prohibits both the buyer from "willfully" providing false information and the seller from requesting criminal history information "under false pretenses."

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See Va. Code Ann. § 18.2-308.2:2(E), (K); Fla. Stat. Ann. § 790.065(7), (12)(a). The other states focus more on information that is provided by the buyer in order to deceive the seller. For example, Delaware prohibits a "materially false oral or written statement" that is "intended or likely to deceive" the seller. Del. Code Ann. tit. 11, § 1448A(g). North Carolina similarly prohibits any person from providing "information that the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer." N.C. Gen. Stat. Ann. § 14-408.1(c). In Pennsylvania, the law prohibits "any person, purchaser or transferee" from "knowingly and intentionally" making materially false oral or written statements, and also penalizes one who "willfully furnishes or exhibits any false identification intended or likely to deceive the seller." 18 Pa. Cons. Stat. Ann. § 6111(g)(4).[6] In Texas, a person who is prohibited from possessing a firearm under state or federal law commits an offense if they knowingly make a "material false statement" on a legally required form submitted to a federally licensed firearms dealer. Tex. Penal Code § 46.06(a)(7). Finally, Massachusetts prohibits knowingly including false information on an application for a Firearm Identification Card, Mass. Gen. Laws ch. 140, § 129B(8), and also prohibits making false statements about one's own identifying information or criminal record in purchasing a firearm, *id.* § 129.

Six of the states surveyed—Delaware, Virginia, Georgia, North Carolina, Florida, and Massachusetts—have laws that target the "straw purchaser," that is, the person who buys a firearm on behalf of a prohibited person. (And, as noted above, there is now a federal prohibition on straw purchasing applicable in all states.) The laws in these states primarily differ in terms of the level of knowledge that is required for culpability. Delaware simply prohibits "engaging in a firearms transaction on behalf of another" who is not qualified to purchase, own, or possess a firearm. Del. Code Ann. tit. 11, § 1455. Virginia imposes penalties if the buyer intends to resell or otherwise provide a firearm to a person that the buyer "knows or has reason to believe is ineligible . . . for whatever reason." Va. Code Ann. § 18.2-308.2:2(M). Georgia imposes penalties on any person who "knowingly attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm to an individual who is not the actual buyer," as well as on any person who "willfully and intentionally aids or abets such person." Ga. Code Ann. § 16-11-113(a). While Georgia's law focuses on dealers, North Carolina has a similar provision that penalizes any person who "knowingly solicits, persuades, encourages, or entices a licensed dealer *or private seller*" to transfer a firearm under circumstances that the person knows are illegal. N.C. Gen. Stat. Ann. § 14-408.1(b) (emphasis added). Florida imposes penalties only if the buyer "knowingly acquires a firearm . . . intended

[6] Pennsylvania also requires the buyer of a handgun to affirm, on a form, that he or she is the "actual buyer." The form explains that a person is not the actual buyer under Pennsylvania law if the buyer is acquiring the firearm on behalf of another person, unless it is a gift for a spouse, parent, child, grandparent, or grandchild. 18 Pa. Cons. Stat. Ann. § 6111(b)(1).

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for the use of a person who is prohibited by state or federal law from possessing or receiving a firearm." Fla. Stat. Ann. § 790.065(12)(d). Lastly, Massachusetts law prohibits using a firearm permit to purchase a firearm "for the unlawful use of another or for resale to or giving to an unlicensed person" without an explicit mens rea requirement. Mass. Gen. Laws ch. 140, § 131E(b).

Two of the states surveyed—Virginia and West Virginia—have laws that target the "actual buyer," that is, the prohibited person who receives the firearm.[7] Virginia penalizes any ineligible buyer who solicits another person to purchase a firearm on his or her behalf. Va. Code Ann. § 18.2-308.2:2(N). West Virginia penalizes a person who willfully procures another person to entice a seller to transfer a firearm knowing the transfer is illegal. W. Va. Code Ann. § 61-7-10(e). Although Massachusetts does not have an explicit statute penalizing the actual buyer in a straw purchase, its statutes requiring firearm purchasers and possessors to be validly licensed, discussed above in Part B, would allow the prosecution of an unlicensed buyer. *See* Mass. Gen. Laws ch. 140, § 129C.

Pennsylvania is the only surveyed state with a law targeting the seller in a straw purchase.[8] Specifically, Pennsylvania penalizes any seller who "knowingly or intentionally sells, delivers, or transfers a firearm under circumstances intended to provide a firearm" to a person ineligible to possess one. 18 Pa. Cons. Stat. Ann. § 6111(g)(2).

South Carolina has no state laws to address straw purchases.

Concealed Carry

Maryland

Maryland requires a person to have a permit "before the person carries, wears, or transports a handgun." PS § 5-303. The Secretary of the Maryland State Police "shall issue a permit within a reasonable time" to a person who the Secretary finds meets the statutory criteria. PS § 5-306. Those criteria include, as an initial matter, that the person is at least 21 years old (or 18 or older and a member of the military); has not been convicted of (and is not on supervised probation for) certain crimes; is not presently an alcoholic, or addicted to or a habitual user of a controlled dangerous substance other than under legitimate medical direction; does not suffer from a mental disorder with a history of violent behavior; has not been involuntarily admitted for more than 30 consecutive days to a mental health facility; is not subject to a court order

[7] The federal prohibition on straw purchases also prohibits conspiracy to commit a straw purchase, which might, depending on the facts, allow federal prosecution of the actual buyer. *See* 18 U.S.C. § 932(b).

[8] Other states have laws targeted at misconduct by gun sellers more generally, for example, prohibitions on knowingly selling a firearm to a prohibited person, *e.g.*, Va. Code Ann. § 18.2-308.2:1, or selling a firearm without the required background check, *e.g.*, Del. Code Ann. tit. 11, §1448A(a).

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prohibiting the purchase or possession of firearms; and has successfully completed a firearms training course. *Id.*[9] House Bill 824 of 2023 modified the requirements for the training course, which now must include 16 hours of *in-person* instruction for a new applicant (8 hours for a renewal), and classroom instruction on a number of topics. PS § 5-306(a-1).

Before issuing a carry permit, the Secretary must also find, based on an investigation, that the person "has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or to another." PS § 5-306(a)(10)(i). For applicants under the age of 30 years, the Secretary must also find that the applicant has not been committed for juvenile detention for longer than a year or been adjudicated delinquent for an act that would be a crime of violence or carry certain penalties if committed by an adult. PS § 5-306(c). If a permit is issued, that permit must be carried "whenever the person carries, wears, or transports a handgun." PS § 5-308.

Other states

Four of the states surveyed—Georgia, West Virginia, Florida, and Texas—allow people to carry a concealed weapon in public without a license or permit. Georgia allows any "lawful weapons carrier" (defined as any person who is either licensed or merely eligible for a license in Georgia, or licensed in any other state, and not otherwise prohibited by law) to carry a firearm. 2022 Ga. Laws 596, §§ 4-5 (amending Ga. Code Ann. §§ 16-11-125.1(2.1), 16-11-126). Similarly, in West Virginia, any person who is 21 years of age or older and a U.S. citizen or legal resident may carry a concealed deadly weapon unless otherwise prohibited by law. W. Va. Code Ann. § 61-7-7(c). Texas allows anyone who is 21 or older, and who is not prohibited from possessing a firearm under Texas law, to carry a firearm, either concealed or openly in a holster. Tex. Penal Code § 46.02.[10]

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[9] Many of these bases for disqualification were added by House Bill 824 of 2023, including: Being on supervised probation; having a history of violent mental disorder or mental health treatment; and being subject to a court order prohibiting purchase or possession of firearms. House Bill 824 also raised the minimum age to obtain a permit from 18 to 21, except for members of the military.

[10] All four of the states that do not require a concealed-carry permit nonetheless issue such permits, presumably because having a permit may be relevant to the permit holder if another state offers reciprocity. All four states are "shall issue" jurisdictions and, although the exact prerequisites vary slightly, all four generally impose an age requirement, a citizenship or legal residency requirement, and a requirement that the person not have certain criminal convictions or pending charges, and not have certain mental health and/or substance abuse issues. *See* Ga. Code Ann. § 16-11-129; W. Va. Code Ann. § 61-7-4a; Fla. Stat. § 790.06; Tex. Gov't Code § 411.177. West Virginia, Florida, and Texas also require firearms safety training as a prerequisite for a permit, but not for permitless carry. W. Va. Code § 61-7-4(d); Fla. Stat. § 790.06(2)(h); Tex. Gov't Code § 411.174(a)(7). In Texas, a permit is required to carry a firearm on a college or university campus. Tex. Penal Code § 46.03(a)(1).

Florida is the most recent state in this group to repeal its concealed carry permit requirement, having done so in 2023. Under the new Florida law, any person who would satisfy the requirements for a permit (other than the training requirement) may now carry a concealed firearm in Florida without obtaining a permit. Fla. Stat. § 790.01.

The states that do require a license or permit to carry a concealed weapon in public vary in terms of the qualifications they set, and the level of discretion authorities have when determining whether an applicant meets the qualifications. Notably, Delaware requires good character as a qualification for receiving a concealed carry permit. In Delaware, an applicant must file a certificate from five "respectable citizens" of the county stating that the applicant is of good moral character, has a reputation for peace and good order, and that possession of a concealed deadly weapon is necessary for the protection of the applicant or the applicant's property. Del. Code Ann. tit. 11, § 1441(a)(2). That qualification—and the others set forth in state law—must be "strictly complied with" before an applicant "may be licensed." *Id.* § 1441(a). Indeed, the statute provides that "[t]he Court may or may not, in its discretion, approve any application." *Id.* § 1441(d). The Supreme Court in *Bruen*, however, did not call Delaware's permitting regime into question, listing it among the "shall issue" states on the ground that it rarely denies permits in practice. 142 S. Ct. at 2123 n.1.[11]

Three additional states—Virginia, Pennsylvania, and Massachusetts—do not have character requirements but instead allow authorities to deny an application when there is reason to believe the applicant is dangerous. In Virginia, a person is disqualified from obtaining a permit if "the court finds, by a preponderance of the evidence, based on specific acts by the applicant, [that the applicant] is likely to use a weapon unlawfully or negligently to endanger others." Va. Code Ann. § 18.2-308.09. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement on this matter, if it is "based upon personal knowledge of such individual or of a deputy sheriff, police officer or assistant attorney for the Commonwealth . . . or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts." *Id*. In Pennsylvania, the sheriff "shall not" issue a license to "[a]n individual whose character and reputation is such that the individual would be likely to act in a manner dangerous to public safety." 18 Pa. Cons. Stat. Ann. § 6109. In Massachusetts, a licensing authority "shall deny" an application for a concealed carry permit if there is "reliable, articulable and credible information" that the applicant is "unsuitable," meaning that they have "exhibited or engaged in behavior that suggests that, if

[11] Delaware also requires good cause, that is, an applicant must submit a statement that the applicant desires to carry a concealed deadly weapon "for personal protection or protection of the person's property, or both," and submit to a criminal background check. Del. Code Ann. tit. 11, § 1441(a)(1). Again, the *Bruen* Court did not question this aspect of Delaware law. 142 S. Ct. at 2123 n.1.

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issued a license, the applicant or licensee may create a risk to public safety or a risk of danger to self or others." Mass. Gen. Laws ch. 140, § 131(d).

Five of the states surveyed—Virginia, North Carolina, South Carolina, Delaware, and Massachusetts—require firearm safety training in order to receive a concealed carry permit. Three additional states—West Virginia, Florida, and Texas—have training requirements for a permit, but obtaining a permit is optional. In any event, the state laws in this area vary based on the range of courses that qualify and the extent to which the content of those courses is prescribed. In Virginia, the law outlines a variety of courses that would qualify but also allows "any other firearms training that the court deems adequate." Va. Code Ann. § 18.2-308.02. In North Carolina, applicants must complete an "approved firearms safety and training course which involves the actual firing of handguns and instruction in the laws of this State governing the carrying of a concealed handgun and the use of deadly force." N.C. Gen. Stat. Ann. § 14-415.12. An approved course is one that satisfies the law's requirements and that is certified or sponsored by the North Carolina Criminal Justice Education and Training Standards Commission, the National Rifle Association, or a law enforcement agency, college, private or public institution or organization, or firearms training school taught by instructors certified by either of the first two entities. *Id*.

South Carolina requires "proof of training" to receive a concealed weapons permit, S.C. Code Ann. § 23-31-215, requiring an applicant to have, "within three years of filing an application, completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety." S.C. Code Ann. § 23-31-210. The course must include: (i) information on the statutory and case law of the state relating to handguns and to the use of deadly force; (ii) information on handgun use and safety; (iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; (iv) the actual firing of the handgun in the presence of the instructor, provided that a minimum of twenty five rounds must be fired; (v) properly securing a firearm in a holster; (vi) "cocked and locked" carrying of a firearm; (vii) how to respond to a person who attempts to take your firearm from your holster; and (viii) de-escalation techniques and strategies. *Id.* Certain individuals who have completed military basic training and retired law enforcement officers must only provide proof of training on the first element, that is, on the statutory and case law of the state relating to handguns and to the use of deadly force, while other individuals, such as active military and handgun instructors, need only provide documentation of that status to satisfy the requirement. *Id*.

Delaware is similarly prescriptive in terms of course content. In Delaware, training courses must include: (i) instruction regarding knowledge and safe handling of firearms; (ii) instruction

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regarding safe storage of firearms and child safety; (iii) instruction regarding knowledge and safe handling of ammunition; (iv) instruction regarding safe storage of ammunition and child safety; (v) instruction regarding safe firearms shooting fundamentals; (vi) live fire shooting exercises conducted on a range, including the expenditure of a minimum of 100 rounds of ammunition; (vii) identification of ways to develop and maintain firearm shooting skills; (viii) instruction regarding federal and state laws pertaining to the lawful purchase, ownership, transportation, use and possession of firearms; (ix) instruction regarding the laws of the state pertaining to the use of deadly force for self-defense; and (x) instruction regarding techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution. Del. Code Ann. tit. 11, § 1441(a)(3).

In Massachusetts, to obtain a license to carry, an applicant must have a "basic firearms safety certificate." Mass. Gen. Laws, ch. 140, § 131P. The State Police are responsible for certifying firearms safety instructors and approving the curriculum of firearms safety courses, which must include (a) the safe use, handling and storage of firearms; (b) methods for securing and childproofing firearms; (c) the applicable laws relating to the possession, transportation and storage of firearms; and (d) knowledge of operation, potential dangers and basic competency in the ownership and usage of firearms. *Id.* By regulation, the State Police have approved certain firearm safety courses as meeting the state's requirements, including the programs offered by the NRA and certain firearms manufacturers. 515 Mass. Code Regs. § 3.05.

Two of the states surveyed—Pennsylvania and Georgia—do not require firearms safety training in order to receive a concealed carry permit.

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Table 19: Comparison of State Firearm Laws

	Licensing		Background Checks		Waiting Periods		Straw Purchases[1]				Concealed Carry			
	To Own	*To Buy*	*Point of Contact*	*Private Sellers*	*Express Period*	*Extend Checks*	*False Info*	*Straw Purchaser*	*Actual Buyer*	*Initial Seller*	*Permit Required*	*Character*	*Evaluate Danger*	*Safety Training*
VA			✓	✓		✓	✓	✓	✓		✓		✓	✓
PA			✓	✓		✓	✓			✓	✓		✓	
GA								✓						
DE			✓	✓		✓	✓	✓			✓	✓		✓
WV									✓					✓[2]
NC							✓	✓	✓		✓			✓
FL			✓		✓	✓	✓	✓						✓[2]
SC											✓			✓
TX							✓							✓[2]
MA	✓	✓		✓[3]		✓[4]	✓	✓			✓		✓	✓
MD		✓[5]	Partial	✓	✓		✓	✓	✓	✓	✓		✓	✓

Notes

* A gray cell indicates a change in law in 2023.
[1] *See also* 18 U.S.C. § 932 (federal prohibition on knowingly purchasing or conspiring to purchase a firearm for a prohibited purchaser).
[2] Applies only to persons who choose to obtain an optional concealed-carry permit.
[3] Private sellers must verify that buyer holds a valid license to purchase firearms, but background checks not required for each individual sale.
[4] Time for background checks extended only for initial application for firearms license, not for purchase of each individual firearm.
[5] Requirement applies only to specified "regulated firearms," which includes handguns.

Source: MD OAG

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Time-to-Crime

In 2020, the average time-to-crime for traced firearms in Maryland was 9.97 years (compared to the national average, 7.01 years).[viii] In 2021, the average time-to-crime was 8.75 years (compared to the national average, 6.24 years).[ix] A time-to-crime of less than three years is considered a potential indicator of trafficking.[x]

Table 20: Time-To-Crime in Maryland, 2020 & 2021

	Under 3 Months	3 Months to Under 7 Months	7 Months to Under 1 Year	1 Year to Under 2 Years	2 Years to Under 3 Years	3 Years and Over
2020	436	415	302	552	485	4,068
2021	432	484	555	829	424	3,902
Total	**868**	**899**	**857**	**1,381**	**909**	**7,970**

Note: ATF data are provided by calendar year.

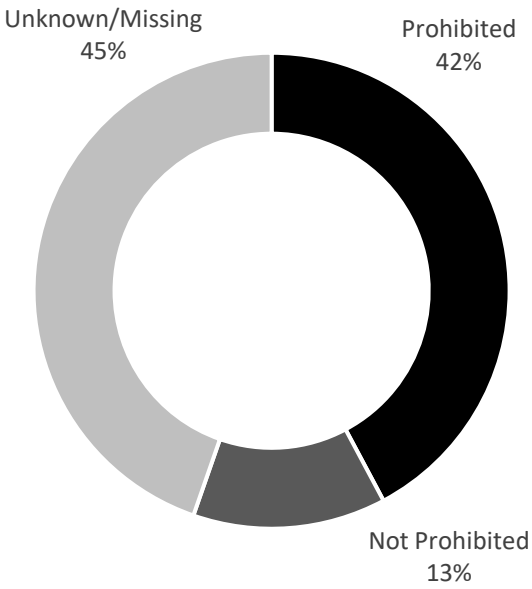
Source: ATF

WYOMING SURVEY & ANALYSIS CENTER

Persons Prohibited from Possessing a Firearm

WYSAC asked the LEAs to indicate whether individuals arrested in connection to a firearm crime/crime firearm were previously disqualified from possessing a firearm. Around 42% (n=1,405) of individuals arrested were disqualified from possessing a firearm. The remaining 58% were either not a disqualified person (n=437, 13%), or the possessor's disqualification status was either unknown or missing (n=1,487, 45%).

Figure 6: Firearm Recovery, by Prohibited Status



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Recommendations and Conclusions

- WYSAC recommends requesting or requiring that LEAs collect crime firearm trace data. ATF trace data captures information from manufacturer through distribution to the first retail purchase. All LEAs can request trace data from the ATF with free *eTrace* software or by fax.

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Appendix A: Law Enforcement Agencies

Non-Responsive LEAs

1. Baltimore City School Police
2. Bowie State University
3. Brentwood Police Department
4. Cottage City Police Department
5. District Heights Police Department
6. Fairmount Heights Police Department
7. Forest Heights Police Department
8. Frostburg City Police Department
9. Montgomery County Sheriff's Office
10. Morgan State University Police Department
11. Washington Suburban Sanitary Commission
12. Wicomico County Sheriff's Office

Responding Agencies

1. Aberdeen Police Department
2. Allegany County Sheriff's Office
3. Annapolis Police Department
4. Anne Arundel C C Public Safety & Police
5. Anne Arundel County Police Department
6. Anne Arundel County Sheriff's Office
7. Baltimore City Community College
8. Baltimore City Police Department
9. Baltimore County Police Department
10. Baltimore Environmental Police
11. Bel Air Police Department
12. Berlin Police Department
13. Berwyn Heights Police Department
14. Bladensburg Police Department
15. Boonsboro Police Department
16. Bowie Police Department
17. Brunswick Police Department
18. Calvert County Sheriff's Office
19. Cambridge Police Department
20. Capitol Heights Police Department
21. Caroline County Sheriff's Office
22. Carroll County Sheriff's Office
23. Cecil County Sheriff's Office
24. Centreville Police Department
25. Charles County Sheriff's Office
26. Chestertown Police Department
27. Cheverly Police Department
28. Chevy Chase Village Police Department
29. Colmar Manor Police Department
30. Coppin State University of Police Department
31. Crisfield Police Department
32. Crofton Police Department
33. Cumberland Police Department
34. Delmar Police Department
35. Denton Police Department
36. Dorchester County Sheriff's Office
37. Easton Police Department
38. Edmonston Police Department
39. Elkton Police Department
40. Federalsburg Police Department
41. Frederick City Police Department

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42. Frederick County Sheriff's Office
43. Frostburg State University Police Department
44. Fruitland Police Department
45. Gaithersburg Police Department
46. Garrett County Sheriff's Office
47. Gibson Island Police Department
48. Glenarden Police Department
49. Greenbelt Police Department
50. Greensboro Police Department
51. Hagerstown Community College
52. Hagerstown Police Department
53. Hampstead Police Department
54. Hancock Police Department
55. Harford County Sheriff's Office
56. Havre de Grace Police Department
57. Howard County Police Department
58. Howard County Sheriff's Office
59. Hurlock Police Department
60. Hyattsville Police Department
61. John's Hopkins Police Department & Public Safety
62. Kent County Sheriff's Office
63. La Plata Police Department
64. Landover Hills Police Department
65. Laurel Police Department
66. Manchester Police Department
67. Maryland Capitol Police Department
68. Maryland Natural Resources Police
69. Maryland State Police
70. Maryland Transit Administration
71. Maryland Transportation Auth. Police
72. Maryland-National Capital Park Police - Montgomery County Division
73. Maryland-National Capital Park Police - Prince George's County Division
74. Montgomery Co. Fire & Explosives Inv. Sect.
75. Montgomery County Police Department
76. Morningside Police Department
77. Mount Airy Police Department
78. Mount Rainier Police Department
79. New Carrollton Police Department
80. North East Police Department
81. Oakland Police Department
82. Ocean City Police Department
83. Ocean Pines Police Department
84. Oxford Police Department
85. Perryville Police Department
86. Pocomoke City Police Department
87. Prince George's County Community College Department of Public Safety
88. Prince George's County Police Department
89. Prince George's County Sheriff's Office
90. Princess Anne Police Department
91. Queen Anne's County Sheriff's Office
92. Ridgely Police Department
93. Rising Sun Police Department
94. Riverdale Park Police
95. Rock Hall Police Department
96. Rockville City Police Department
97. Saint Mary's County Sheriff's Office
98. Saint Michael's Police Department
99. Salisbury City Police Department
100. Salisbury University Police Department
101. Seat Pleasant Police Department
102. Smithsburg Police Department
103. Snow Hill Police Department
104. Somerset County Sheriff's Office
105. Sykesville Police Department
106. Takoma Park Police Department
107. Talbot County Sheriff's Office

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108. Taneytown Police Department
109. Thurmont Police Department
110. Towson University Police Department
111. University of MD Baltimore County Police Department
112. University of MD Baltimore Police Department
113. University of MD College Park Police
114. University of MD Eastern Shore Department of Public Safety
115. University Park Police Department
116. Upper Marlboro Police Department
117. Washington County Sheriff's Office
118. Washington Metropolitan Area Transit Authority
119. Westminster Police Department
120. Worcester County Sheriff's Office

Courtesy of 2A Maryland

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