FIREARM INJURIES, FATALITIES, AND CRIME FIREARM STUDY

For the period of August 1, 2015 through July 31, 2019

December 2021

MSAR # 13276 – Firearm Crimes, Firearm Injuries/Fatalities, and Crime Firearms (HB 1186, 2021)
MSAR # 12584 – Firearm Crimes, Firearm Injuries/Fatalities, and Crime Firearms (HB 1629, 2020)

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Introduction

On May 8, 2020, Maryland enacted a new statute, House Bill 1629, entitled, "An Act concerning Office of the Attorney General – Firearm Crime, Injuries, Fatalities, and Crime Firearms – Study." This law, which became effective on June 1, 2020, requires the Office of the Attorney General (OAG) to study "firearm crimes," "firearm injuries and fatalities," and "crime firearms" in the State, HB 1629 § 1(b), over three different periods (i.e., between August 1, 2015 and July 31, 2019, between August 1, 2019 and July 31, 2020, and between August 1, 2020 and July 31, 2021), *id*. at § 1(d), and to submit three corresponding reports with findings and conclusions to the Governor and the General Assembly, *id*. House Bill 1186, enacted on May 30, 2021, extends the study, HB 1186 § 1(e), and requires an additional report covering a period from August 1, 2021, through July 31, 2022, HB 1186 § 1(e)(4).

This report covers the first reporting period, specifically reviewing "firearm crimes," "firearm injuries and fatalities," and "crime firearms" in the State between August 1, 2015 and July 31, 2019. It describes the methodology used to generate this report, presents the relevant data, and offers recommendations.

Methodology

Data Collection

The statute placed responsibility on State and local law enforcement agencies and other governmental units (LEAs) to "provide the Office of the Attorney General with any and all information necessary to complete the study." *Id*. at § 1(c). On June 17, 2020, the OAG issued letters requesting relevant information to over 150 LEAs. To assist in the collection, review, and analysis of the submitted information, and to ensure uniformity and consistency of information provided by the LEAs, the OAG provided templates listing the information needed as well as the following statutory definitions with relevant citations:

- A "firearm crime" is defined as a "crime of violence" under § 5-101 of the Public Safety Article involving the use of a firearm. HB 1629 § 1(a)(3).

- "Firearm injury and fatality" is "an injury or fatality caused by a firearm." *Id*. at § 1(a)(4).

- A "crime firearm" is defined as a firearm "used in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article" or "recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer." *Id*. at § 1(a)(2).

The OAG requested that LEAs respond by September 1, 2020, and provided clarification to LEAs when sought. After HB 1186 took effect on June 1, 2021, the OAG issued follow-up requests to over seventy LEAs that had not yet submitted data, with a response deadline of November 1, 2021.

By December 7, 2021, a total of ninety-one state, local and special jurisdiction LEAs responded by submitting at least one report. Among them, eighty LEAs reported at least one incident. The others either did not respond to the request or confirmed that there were no reportable incidents. Maryland's Administrative Office of the Courts also provided disposition data ("Court Data") in firearm cases for the applicable study period. The OAG was able to incorporate data received by December 7, 2021. The LEAs that did not respond by December 7, 2021 are listed in Appendix A.

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The General Assembly appropriated funds for the production of the four reports mandated by the statute. The OAG solicited bids from firms with statistical expertise to assist with this report and will do so for the subsequent three reports as well. The OAG awarded the bid for this report period to JY Advisory LLC. Hong Jiang, PhD PMP, of JY Advisory analyzed the submitted data and drafted the non-legal components of this report. OAG authored the states' legal research section of the report.

Data Limitations

For several reasons, the available data does not draw a complete picture of the firearm crimes that occurred in the State for the covered period.

The Court Data is relatively robust in terms of completeness of cases, charges, and dispositions. But it does not provide the data elements that LEAs usually captured (e.g., 911 requests, and arrest). More importantly, the Court Data does not track any cases from three jurisdictions: Prince George's, Montgomery, and Baltimore City (the "Three Counties").

Data from LEAs and Maryland's Courts could complement each other if there were a robust case matching mechanism. Unfortunately, that is not the case, as noted by the Maryland Administrative Office of the Courts.

Last, reporting systems mature over time. Large counties and the Administrative Office of the Courts have implemented centralized record management systems that support high-quality case management and reporting. But the systems were established recently and cases from earlier years were not completely migrated to the systems. Smaller LEAs onboarded into the centralized systems at different times, which means those LEAs' records from earlier years may have been excluded from the centralized systems.

The report templates provided by the OAG were designed to facilitate consistent reporting by various jurisdictions. The data collection and reporting processes, however, are not straightforward, especially because this was the very first time that LEAs were asked to gather and compile specific firearm crime data pursuant to HB 1629 and its successor, HB 1186. Though the significant data access challenges posed by the COVID-19 pandemic eased somewhat in 2021 as LEAs' case management and reporting personnel returned to work in person, some information of interest is not readily available in the existing data systems.

Feedback from the Maryland Chiefs of Police Association and some local LEAs indicate data collection challenges exist in the following areas:

- LEAs in Maryland do not have one system that contains all the requested information. In many cases, data collection requires searching multiple systems, which is often followed by a manual data compilation to comply with statutory reporting requirements.

- LEAs do not have all the required data elements even if a unified record management system is available. For instance, while Prince George's County Police Department has established a unified record management system, it does not track charging or conviction information. It is not uncommon to have missing information regarding the source of the crime firearms or victims, charges, and dispositions.

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- Records from early years are incomplete due to record management systems implementation and LEAs' participation timelines. For instance, Prince George's County Police Department reported that the participating LEAs have varying go-live dates on the county's unified record management system. The data from recent years is more complete than that from 2015, when a few LEAs were excluded. Maryland's Administrative Office of the Courts observes a similar system maturity situation, as noted above.

- Data aggregation and reporting are complex. LEAs, with or without a case management system, may manage incidents at a level that does not directly map to the statutory reporting requirements. This becomes even more complex if the data elements in one report are extracted from multiple sources.

Overall, the data available was used for the purposes of completing this study. The best possible data source was chosen to analyze each component aligned with the statutory requirements. Though the numbers and analyses do not fully represent the State's injuries, fatalities, firearm crimes, and crime firearms status due to the limitations described above, the study provides an overview on what information is collectable, the challenges of reporting, and a partial picture of Maryland's crime firearms, firearm crimes, and related injuries and fatalities for the period of interest.

Data Assessment

Every LEA report was evaluated with respect to data completeness and accuracy. There was then follow-up with several state- and county-level LEAs for clarification or updates. Although the submitted reports largely complied with the statutory requirements, data assessment was performed to understand the availability and usability of key data elements in conducting this study. Next, standard data cleansing was conducted, through which obvious errors attributable to manual data entry were corrected. Variations of responses from LEAs were also assessed for the purpose of data utilization and aggregation underlying this study.

Overall, data quality issues are evident. A small number of LEAs submitted reports in 2020 and again in 2021 for the same reporting period with discrepancies (i.e., unmatching incidents) between the two. Some LEAs submitted only one report or truncated reports that only contained a subset of required data elements. LEAs sometimes used different interpretations of some data elements. For example, with respect to the data element "location of recovery," some LEAs responded with phrases such as "backyard," some reported a street address, while the rest either left it empty or filled in county names. Some large LEAs reported multiple records in one day. Due to the absence of a case number for tracking unique cases, potential duplicates could be double-counted.

Overall, LEAs' response rate, report coverage, missing data elements and data quality are all contributing factors that limit this first study in presenting a complete picture of the crime firearms, injuries, fatalities, and firearm crimes that occurred in the State for the relevant study period. The trends discovered in this study are nevertheless informative and may accurately reflect the broader trends in firearm crimes in Maryland during the reporting period.

Data Analysis Methodology

In this study, the data from state and local LEAs are reported at the county level. Specifically, data submitted by municipal LEAs are aggregated to the county where they are located, while data from the

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State and special LEAs covering multiple counties are broken down to the counties where the offenses occurred.

The data from Maryland's Administrative Office of the Courts is utilized to report charges and dispositions, wherever appropriate. The Court Data covers charging and disposition information of 21 out of 24 counties in the State, but does not include the Three Counties. The Court Data is deemed more complete than the county data as it includes cases not directly handled by the local LEAs. For this reason, this study utilizes the Court Data as much as possible, particularly in the areas of charges, dispositions, and firearm crimes. The Three Counties are analyzed separately using the more limited LEA reports.

To account for unique cases, each line in the report is counted as one incident, unless incident tracking numbers or obvious duplicates indicate otherwise. This is especially necessary for analyzing the jurisdictions where multiple incidents occurred in one day. As advised by Maryland's Administrative Office of the Courts, the tracking numbers in the Court Data resemble the incident tracking numbers in identifying unique cases. To the extent possible, the cases that appeared in both District Courts and Circuit Courts are deduplicated to avoid double counting.

Findings

The findings are structured to align with the three focus areas: firearm crimes, the injuries and fatalities resulting from the firearm crimes, and recovered firearms used to commit crimes. The results reflect the firearm crimes committed during the period between August 1, 2015 through July 31, 2019.

Firearm Crimes Study

Firearm crimes were reported in all 24 counties in Maryland for the study period. The number of firearm crimes, as well as charge and conviction data are based on the Court Data, except for the Three Counties. The number of crime incidents in each of the Three Counties is the total of incidents reported by the county LEA and special LEAs (e.g., Maryland Transportation Authority Police and Maryland State Police) covering part of their jurisdiction. The number of crimes originating from 911 calls and subsequent arrest information are extracted from LEAs' firearm crimes reports. Table 1 shows the number of firearm crimes by jurisdiction.

Table 1 Number of Firearm Crimes by Jurisdiction

Jurisdiction	Total Number of Crimes
Allegany	331
Anne Arundel	1,531
Baltimore City	15,762
Baltimore	2,704
Calvert	110
Caroline	75
Carroll	126
Cecil	229

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Jurisdiction	Total Number of Crimes
Charles	569
Dorchester	191
Frederick	191
Garrett	22
Harford	397
Howard	271
Kent	27
Montgomery	389
Prince George's	3,471
Queen Anne's	69
St. Mary's	193
Somerset	167
Talbot	71
Washington	380
Wicomico	593
Worcester	135

911 Requests for Emergency Assistance Involving Firearm Crimes

Some firearm crimes involve 911 requests for emergency assistance. Others do not. Since the Court Data does not capture this information, LEAs' firearm crimes reports form the basis for this analysis, as shown in Table 2. Based on guidance provided by the Administrative Office of the Courts and data analysis, a perfect match between the Court Data and LEAs' self-reported data is not achievable. Therefore, a direct comparison between crimes involving 911 requests and others is not recommended. Of those offenders arrested following 911 calls, the youngest was 9 years old, and the oldest was 84 years old. The median age was 23 years old. The age distribution in percentile is depicted in Table 3.

Table 2 Number of Firearm Crimes With 911 Request and Resulting Arrest by Jurisdiction

Jurisdiction	Number of Crimes Had 911 Request	Number of Crimes Resulting in Arrest
Allegany	64	44
Anne Arundel	996	417
Baltimore City	13,439	1,593
Baltimore County	2,973	1,175
Calvert	40	34
Caroline	18	11
Carroll	77	50

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Jurisdiction	Number of Crimes Had 911 Request	Number of Crimes Resulting in Arrest
Cecil	151	70
Charles	466	257
Dorchester	5	2
Frederick	169	72
Garrett	13	12
Harford	231	122
Howard	405	172
Kent	14	4
Montgomery	247	206
Prince George's	1,946	1,152
Queen Anne's	25	14
Somerset	27	14
St. Mary's	77	59
Talbot	15	15
Washington	104	57
Wicomico	308	115
Worcester	25	19

Table 3 Age Distribution of Arrestees

Percentile	0% (Youngest)	10%	20%	30%	40%	50%	60%	70%	80%	90%	100% (Oldest)
Age	9	17	18	20	21	23	26	29	34	44	84

Firearm Crime Types

The study captured five types of crimes committed with crime firearms: crimes of violence, illegal transfers, illegal possession, illegal transportation, and straw purchases. The Court Data is utilized to extract charges and convictions for twenty-one counties, while the Three Counties are separately analyzed using LEA data. The crime type classification is based on the "crime of violence only" template, the Court Data's filing charge description, or LEAs' self-reported classification. All types except for straw purchases have more than one associated charge code. The types of crimes for the Three Counties are completely self-reported. Prince George's County Police Department does not track charging or conviction information. Baltimore City also reported the absence of conviction information. Charges not belonging to any of the above-listed five types are not displayed in Table 4 or Table 5. Only the disposition of guilty is counted as a conviction for purposes of these tables. All other dispositions are excluded from the conviction analysis. Table 4 and Table 5 show the numbers of charges and convictions falling under five crime types, respectively.

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Table 4 Number of Crimes by Charge Type and Jurisdiction

Jurisdiction	Crime of Violence	Illegal Possession	Illegal Transfer	Illegal Transportation	Straw Purchase
Allegany	52	19	2	7	1
Anne Arundel	468	184	2	29	
Baltimore City	273	unavailable			
Baltimore County	890	383	78	429	
Calvert	31	8	1	2	
Caroline	18	9		1	
Carroll	41	22	5	5	
Cecil	113	16		6	
Charles	222	57	16	44	
Dorchester	55	13	1	16	1
Frederick	47	20	2	22	
Garrett	6	3		1	
Harford	159	48	9	39	
Howard	136	39		12	
Kent	5	6		2	
Montgomery	179	278	38	319	2
Prince George's	unavailable				
Queen Anne's	11	9		2	
St. Mary’s	63	21	1	2	
Somerset	48	13		15	
Talbot	13	5		3	
Washington	142	69	1	47	
Wicomico	206	79	2	33	
Worcester	41	15	2	7	

Table 5 Number of Crimes by Conviction Type and Jurisdiction

Jurisdiction	Crime of Violence	Illegal Possession	Illegal Transfer	Illegal Transportation	Straw Purchase
Allegany	1	2		1	
Anne Arundel	62	16		2	
Baltimore City	unavailable				
Baltimore County	155	60	5	27	

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Jurisdiction	Crime of Violence	Illegal Possession	Illegal Transfer	Illegal Transportation	Straw Purchase
Calvert	3		1		
Carroll	11	3			
Cecil	7			3	
Charles	35	10	3	5	
Dorchester	5	5		1	
Frederick	1	8		2	
Harford	22	5	1	5	
Howard	26	11			
Kent					
Montgomery	78	150	3	103	1
Prince George's	unavailable				
Queen Anne's	1	2			
St. Mary's	4	2		1	
Somerset	6	2			
Talbot	1	1			
Washington	16	11		7	
Wicomico	29	19		2	
Worcester	3	1		1	

Injuries and Fatalities Associated with Firearm Crimes Study

The analysis on injuries and fatalities, as shown in Table 6, relies fully on available LEAs' reports. The majority of the reports do not indicate the causes of injuries or fatalities (i.e., suicides, accidents, or homicides), except for three jurisdictions marking a small number of fatalities as a result of suicide. Demographic information about persons injured or killed was not requested under the templates. Therefore, this report does not detail whether they are minors or adults.

Table 6 Number of Injuries and Fatalities by Jurisdiction

Jurisdiction	Injury	Fatality	Suicide
Allegany	35	17	13
Anne Arundel	3		
Baltimore City	2,305	1,123	
Baltimore	81	77	
Calvert	9	1	
Caroline		3	3
Carroll	34	40	1

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Jurisdiction	Injury	Fatality	Suicide
Cecil	54	6	
Charles	70	21	
Dorchester	5	3	
Frederick	46	29	
Garrett	12	9	9
Harford	40	15	
Howard	73	52	
Kent	3	1	
Montgomery	155	51	
Prince George's	1,258	58	
Queen Anne's	17	10	
Somerset	18	6	
St. Mary's	16	1	
Talbot	5	4	4
Washington	19	6	
Wicomico	78	25	
Worcester	12	6	

Crime Firearms Study

This study examines the firearms recovered by the LEAs within the State for the period of interest.

Recovered Crime Firearms

The types of firearms are handgun, rifle, shotgun, air gun, and other/unknown. The firearms that are not clearly classified, marked as unknown, or toy guns, fall under the category of "other/unknown." Table 7 and Table 8 indicate the number of recovered firearms by type for the entire State and by jurisdiction, respectively. All twenty-four jurisdictions that submitted a crime firearms report have had at least one recovery in their areas.

Table 7 Number of Firearms Recovered in the State of Maryland by Type

Handgun	Rifle	Shotgun	Air Gun	Other/Unknown
5,137	709	605	201	157

Table 8 Number of Firearms Recovered by Jurisdiction and Type

Jurisdiction	Handgun	Rifle	Shotgun	Air Gun	Other/Unknow
Allegany	44	15	5	4	10
Anne Arundel	191	37	43	19	38

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Jurisdiction	Handgun	Rifle	Shotgun	Air Gun	Other/Unknow
Baltimore City	902	75	76	47	
Baltimore County	691	210	125	1	1
Calvert	55	10	19	4	2
Caroline	5	5	5	1	7
Carroll	28	17	15	10	1
Cecil	40	40	36	20	2
Charles	63	14	21	15	7
Dorchester	1	1	3	1	
Frederick	64	24	19	17	
Garrett	29	23	9		3
Harford	69	16	12	14	1
Howard	82	10	16	5	
Kent	6				
Montgomery	187	28	13	1	
Prince George's	2,439	87	83	6	80
Queen Anne's	7	1	7	1	
Somerset	29	23	39	9	1
St. Mary's	32	10	6	15	2
Talbot	22	10	4		
Washington	32	7	6	3	
Wicomico	95	40	39	7	2
Worcester	24	6	4	1	

Recovered Firearms Associated with 911 Requests

Firearms' serial numbers are recorded, unless reported as unknown. The number of crime firearms recovered following 911 requests by type can be found in Table 9, which also specifies the firearms with a serial number.

Table 9 Numbers and Types of Crime Firearms Recovered Following 911 Requests

Type of Firearm	Number of Firearms	Number of Firearms Had a Serial Number
Handgun	3,130	1,712
Rifle	458	383
Shotgun	386	314
Air Gun	127	51

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Type of Firearm	Number of Firearms	Number of Firearms Had a Serial Number
Other/Unknown	127	66

Origin of Crime Firearms

The origin and source of crime firearms data reported by LEAs was frequently sparse. For instance, the Baltimore County Police Department did not report any location of origin data. The sources of the firearms, including the importer, dealer, and first purchaser for recovered firearms, were not reported by almost all LEAs. This suggests that LEAs seldom trace the history of recovered firearms.

Out-of-State Firearms

The study examined the origins of recovered firearms using the limited data reported by LEAs. Recovered firearms originated from forty-three states in the U.S. Table 10 lists the top 10 states (Top 10 States) from which most crime firearms were recovered in Maryland. Since the Baltimore City Police Department reported firearm origin at the country, instead of state, level, Table 10 does not reflect out-of-state U.S. origin of firearms recovered in Baltimore City. In addition, twenty-nine foreign countries appear to be the origins of the crime firearms recovered in the State.

Table 10 Top Ten Out-of-State U.S. Origins of Firearms Recovered in Maryland

Out-of-State Origin	Number of Firearms
Virginia	214
Pennsylvania	68
North Carolina	65
West Virginia	52
Georgia	48
Florida	31
South Carolina	28
Texas	26
Ohio	18
Delaware	16

The jurisdictions that recovered firearms originating from out-of-state are listed in Table 11.

Table 11 Jurisdictions with Recovered Firearms Originating Out-of-State

Jurisdiction of Recovery	Count
Baltimore City	474*
Montgomery	299

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Jurisdiction of Recovery	Count
Anne Arundel	163
Howard	87
Washington	38
Cecil	36
Prince George's	22
Worcester	19
Allegany	8
Garrett	7
Frederick	6
Wicomico	5
Carroll	5
Kent	5
Harford	3
Dorchester	1
Charles	1
Caroline	1
Baltimore County	1
Somerset	1

* The number only accounts for recovered firearms that originated in a country other than the U.S.

In-State Firearms

The data analysis (Table 12) suggests that recovered firearms originated in twenty-one Maryland counties. As Table 13 suggests, all these jurisdictions had recovered firearms that originated in Maryland. However, these two tables do not account for firearms recovered in Baltimore City, as its reported origins remain at the country level.

Table 12 In-State Locations Where Recovered Firearms Originated

In-State Origin	County
Charles	211
Frederick	97
Anne Arundel	71
Carroll	63
Prince George's	52
Montgomery	38
Allegany	32
Cecil	32
Worcester	31
Baltimore City	25
Howard	18
Calvert	17
Washington	15

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In-State Origin	County
Baltimore County	14
Queen Anne's	7
Caroline	6
Harford	6
St. Mary's	6
Dorchester	5
Somerset	2
Talbot	1

Table 13 Jurisdictions Where Firearms Originating In-State Were Recovered

Jurisdiction of Recovery	Count
Charles	205
Anne Arundel	107
Howard	101
Montgomery	99
Frederick	93
Carroll	52
Cecil	36
Allegany	35
Prince George's	33
Worcester	31
Washington	21
Calvert	19
Garrett	14
Dorchester	7
Caroline	6
Harford	4
St. Mary's	4
Baltimore City	2
Wicomico	1
Kent	1
Somerset	1

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LEAs provided very limited dealer information for recovered crime firearms. Therefore, this study does not examine the names or locations of the top 10 dealers of crime firearms in the State.

Length of Time between Origination and Recovery

Similar to the scarce data concerning locations of firearm origination, the dates when firearms were first purchased were rarely provided. Based on the limited data, the length of time between the origination and recovery of crime firearms is calculated as much as possible. The longest duration is 66 years.

Approximately 76% of firearms are one year or shorter, 16% of firearms were recovered at least 5 years since origination, and 12% were recovered after 10 or more years. These statistics are, however, not reliable. In some reports, the location and date of origin are identical to those of recovery, while in other reports this information is missing entirely.

States' Firearm Laws Research

As shown in Table 10, the 10 states where the most crime firearms recovered in Maryland originated, in descending order, are: (1) Virginia; (2) Pennsylvania; (3) North Carolina; (4) West Virginia; (5) Georgia; (6) Florida; (7) South Carolina; (8) Texas; (9) Ohio; and (10) Delaware. What follows is a brief comparison of the laws in those states regarding licensing, background checks, waiting periods, straw purchases, and concealed carry.[1] Each section begins with a short summary of Maryland law—and, as necessary, federal law—to put these laws in perspective.

A. 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

[1] 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. 22, 2021).

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Secretary determines it contains falsities or is not properly completed, 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).

Other states

None of the 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), although one of the states—North Carolina—requires a license (or permit) to purchase or receive a "pistol," which does involve the submission of an electronic application. In North Carolina, it is unlawful for any person to "sell, give away, or transfer, or to purchase or receive . . . any pistol" unless a permit is obtained by the purchaser or receiver from the sheriff of the county in which the purchaser or receiver resides, or the purchaser or receiver holds a valid North Carolina concealed handgun permit and is a resident of the state. N.C. Gen. Stat. Ann. § 14-402(a). By the terms of the statute, which refers to the purchase of a "pistol" but verifies a person's qualifications to purchase a "handgun," *id*. § 14-403, this requirement does not apply to long guns. A permit to purchase a "pistol" expires five years from the date of issuance. *Id*.

A sheriff "shall issue" a permit to purchase a "pistol" in North Carolina once the sheriff has conducted a criminal background check using state and national databases, is fully satisfied the applicant is of "good moral character" based on conduct for the five-year period immediately preceding the application, and is fully satisfied the applicant "desires the possession of the weapon mentioned for (i) the protection of the home, business, person, family or property, (ii) target shooting, (iii) collecting, or (iv) hunting." *Id.* § 14-404(a). If the sheriff is not fully satisfied with the application, the sheriff may "for good cause shown," decline to issue the permit and provide to the applicant within 7 days of the refusal a written statement of the reason for the refusal. *Id.* § 14-404(b). Each applicant for a permit shall be informed by

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the sheriff within 14 days of the date of application whether the permit will be granted or denied and, if granted, the permit shall be immediately issued to the applicant. *Id.* § 14-404(f). An applicant may appeal the denial of a permit to the superior court in the district in which the application was filed. *Id.* § 14-404(b).

A permit to purchase a "pistol" in North Carolina may not be issued to a person who: (i) is under an indictment or has been convicted of a felony; (ii) is a fugitive from justice; (iii) is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug; (iv) has been adjudicated mentally incompetent or has been committed to any mental institution; (v) is an alien illegally or unlawfully in the United States; (vi) has been discharged from the Armed Forces of the United States under dishonorable conditions; (vii) has renounced his or her citizenship in the United States; or (viii) is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or the partner's child. *Id.* § 14-404(c).

B. 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").[2] 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

One of the states surveyed—North Carolina—is also a partial point-of-contact state. For handguns, licensed firearms dealers contact the county sheriff to request a background check and, for long guns, they contact the FBI. N.C. Gen. Stat. Ann. § 14-402.

Three of the states surveyed—Virginia, Pennsylvania, and Florida—are 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

[2] The FBI maintains a NICS Participation Map showing which states presently serve as points of contact. *See* https://www.fbi.gov/services/cjis/nics/about-nics (last visited Nov. 22, 2021).

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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 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. 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.[3]

Six of the states surveyed—Georgia, Delaware, West Virginia, South Carolina, Texas, and Ohio—are not point-of-contact states. Thus, licensed firearms dealers run the background checks required by federal law through the FBI and the NICS. Georgia and Delaware both have state laws 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; Del. Code Ann. tit. 11, § 1448A. 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.[4]

Four of the states surveyed—Virginia, Delaware, Pennsylvania, and North Carolina—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

[3] In 2018, Florida enacted a "risk protection order" law that authorizes law enforcement to petition a court for a civil order preventing a dangerous person from accessing firearms for the period of time stated in the order, which is forwarded for entry into the Florida Crime Information Center and National Crime Information Center within 24 hours of issuance. Fla. Stat. Ann. § 790.401. That same year, Delaware enacted a similar law where family members, individuals in some intimate relationships, or law enforcement may petition for a "lethal violence protective order" that prohibits a person from "controlling, owning, purchasing, possessing, having access to, or receiving a firearm" for up to one year. Del. Code Ann. tit. 10, § 7701 *et seq.* Virginia enacted a similar law in 2020, requiring a "substantial risk order" to be forwarded to the Virginia Criminal Information Network no later than the end of the business day on which it was issued. Va. Code Ann. § 19.2-152.14. For its part, Maryland's extreme risk protection order law—enacted in 2018—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*.

[4] 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 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 (June 21, 2021). Six of the states surveyed—Georgia, North Carolina, Ohio, South Carolina, Texas, and West Virginia—issue Brady permits. Maryland does not.

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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). In North Carolina, if the firearm being transferred is a "pistol," private sellers must verify that the purchaser holds either a permit to purchase or a concealed carry permit, both of which require a background check; like Pennsylvania, however, background checks are not required when the firearm is a long gun. N.C. Gen. Stat. Ann. § 14-402.

Six of the states surveyed—Florida, Georgia, Ohio, South Carolina, Texas, and West Virginia—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*.

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 surveyed—Virginia, Delaware, Pennsylvania, and North Carolina—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 FBI still has 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. Although not framed as an extension of time, North Carolina, as discussed above, provides the sheriff up to 14 days to grant or deny a permit to purchase a "pistol," effectively extending the timeframe within which to complete the required background check. N.C. Gen. Stat. Ann. § 14-404(f).

C. 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).

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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 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.

D. 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. Although 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, the practical effect of that law can sometimes be limited by the fact that only licensed firearms dealers are required to conduct background checks that would discover such information. *See* 18 U.S.C. § 922(d).

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

Six of the states surveyed—Virginia, Florida, Delaware, North Carolina, Pennsylvania, and Ohio—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." *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

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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).[5] Finally, in Ohio, it is unlawful to "knowingly provide materially false information to a federally licensed firearms dealer or private seller." Ohio Rev. Code Ann. § 2923.20(A)(4).

Six of the states surveyed—Delaware, Virginia, Georgia, North Carolina, Florida, and Ohio—have laws that target the "straw purchaser." 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 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, Ohio prohibits possessing a firearm with a purpose to "recklessly sell, lend, give, or furnish" it to a prohibited person. Ohio Rev. Code Ann. § 2923.20(A)(2).

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. 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).

Two of the states surveyed—Virginia and Pennsylvania—have laws that target the seller. Virginia makes it a crime to sell or furnish a firearm to any person the seller or transferor knows is prohibited from possessing or transporting a firearm. Va. Code Ann. § 18.2-308.2:1. 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).

Two of the states surveyed—South Carolina and Texas—have no state laws to address straw purchases.

E. Concealed Carry

Maryland

[5] 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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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(a). Those criteria include, as an initial matter, that the person is an adult, has not been convicted of certain crimes, is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance other than under legitimate medical direction, and has successfully completed a firearms training course approved by the Secretary. *Id*. The training course must include, for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor, and, for a renewal application, a minimum of 8 hours of instruction. PS § 5-306(a)(5). The course must include classroom instruction on state firearm law, home firearm safety, and handgun mechanism and operations, as well as a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm. *Id*.

As to additional criteria, 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" and "has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger." PS § 5-306(a)(6). 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

Two of the states surveyed—Texas and West Virginia—allow people to carry a concealed weapon in public without a license or permit. In Texas, any person who is 21 years of age or older may carry a handgun, unless they have a violent conviction or are otherwise barred by law. Tex. Penal Code Ann. § 46.02. 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).[6]

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

[6] Although no license or permit is required, both of these states nonetheless issue licenses to carry concealed weapons, presumably because having a license may be relevant to the license holder if another state offers reciprocity. A person is eligible for a license to carry a handgun in Texas if the person is a legal resident of the state for 6 months preceding the application, is at least 21 years of age, and meets a variety of other criteria. Tex. Gov't Code Ann. § 411.172. For example, the person must not have a disqualifying criminal history, but also may not be a "chemically dependent person," delinquent in child support or taxes, or subject to a restraining order affecting the spousal relationship. *Id*. To receive a license to carry a concealed deadly weapon in West Virginia, residents must apply to the sheriff in their county (nonresidents may apply to the sheriff in any county) and complete a training course in handling and firing a handgun that includes the actual live firing of ammunition by the applicant. W. Va. Code Ann. § 61-7-4. Upon receipt of the application, the sheriff must conduct a criminal background check and issue or deny the license within 45 days after the application is filed if all required background checks are completed. *Id*. Individuals who are at least 18 years of age, but less than 21 years of age, may similarly apply for a provisional license. W. Va. Code Ann. § 61-7-4a.

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applicant meets the qualifications. For example, two of the states surveyed—Delaware and Georgia—require good character as a qualification for receiving a concealed carry permit.[7] 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). By contrast, in Georgia, a judge "shall issue" a license to carry a weapon unless the applicant is found ineligible based on the criminal background check, has failed to meet other requirements, or "is not of good moral character," although there is no specific mechanism by which character is evaluated. Ga. Code Ann. § 16-11-129.

Two additional states—Virginia and Pennsylvania—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.

Six of the states surveyed—Virginia, Florida, North Carolina, South Carolina, Ohio, and Delaware, require firearm safety training in order to receive a concealed carry permit. Two additional states—Texas and West Virginia—have training requirements as well, 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. Similarly, Florida lists a number of training courses that can "[d]emonstrate[] competence" but does not prescribe the content of those courses. Fla. Stat. Ann. § 790.06. 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*.

[7] Notably, 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).

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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*.

Ohio and Delaware are similarly prescriptive in terms of course content. In Ohio, training courses must include at least eight hours of training in the safe handling and use of a firearm including: (i) the ability to name, explain, and demonstrate the rules for safe handling of a handgun and the proper storage practices for handguns and ammunition, (ii) the ability to demonstrate and explain how to handle ammunition in a safe manner; (iii) the ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner; (iv) gun handling training; and (v) a minimum of two hours of in-person training that consists of range time and live-fire training. Ohio Rev. Code Ann. § 2923.125. The applicant must pass a competency exam that includes both a written section and an in-person physical demonstration of competence. *Id*.[8] In Delaware, training courses must include: (i) instruction regarding knowledge and safe handling of firearms; (ii) instruction 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).

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

[8] In addition to its standard provision to apply for a concealed carry permit, Ohio has an emergency license provision. A person seeking a concealed handgun license on a temporary emergency basis is required to submit to the sheriff evidence of imminent danger to the person or a member of the person's family, a sworn affidavit containing all the required information for a license, a nonrefundable fee, and a set of fingerprints. Ohio Rev. Code Ann. § 2923.1213. The sheriff, in turn, must immediately process a criminal background check and immediately upon receipt of the results issue a license that is valid for 90 days but may not be renewed. *Id*.

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Recommendations

Based on the foregoing, the OAG offers the following recommendations that can potentially help enhance and ease the data collection process for the next three reports.

- Report template redesign.
  - Including incident tracking number in all templates will enable the case matching across reports and avoid double counting.
  - Establish a clear level of reporting for each template. If one-line records one incident, all the information associated with that incident should be filled out in one line.
  - Remove the data elements that LEAs or other state agencies do not own or track. This will reduce the reporting burden, encourage cooperation, and improve data quality.

- Standardizing responses.
  - LEAs' responses suggest a misunderstanding of some data elements and expected inputs. For example, with respect to location of recovery, some LEAs responded with phrases such as "backyard," some reported a street address, while the rest either left it empty or filled in county names.
  - Provide lists of in-scope charge codes for definite crime categorizations. This will help reduce inconsistency and difficulty of classifying crimes.
  - Define firearms under federal or Maryland law. Clarify if the firearms under study include air gun or toy gun.
  - Analyze the responses and LEAs' feedback from the first year and offer a sample report to LEAs for the future data collection. To reduce ambiguity, the sample report should clarify the level of reporting, the format of response, and the expected values of each field.

- Jurisdiction reporting delegation.
  - If possible, delegate the data collection task to the largest LEA in each county. For example, Prince George's County Police Department would collect all the data on behalf of its local LEAs as the county department established a unified record management system that tracks all the local LEAs' incidents. The system is more mature in terms of reporting firearm crimes that took place in 2019 and onward. Request the large LEA representatives to provide small LEAs' system onboarding timeline to the OAG.

HB 1629 suggests a specific sequence involving the LEAs, the OAG, and the Governor and General Assembly. In particular, the LEAs are to provide information to the OAG; the OAG is to assemble and study the submitted data, and provide a corresponding report to the Governor and General Assembly; and the Governor and General Assembly are to then consider and address any policy implications of the data. With this understanding of its role in the statutory process, the OAG limited, and will limit, its recommendations to ascertaining how the sufficiency and reliability of the data may be enhanced, and therefore how the Governor and General Assembly may possess better information upon which to make any policy decisions.

Courtesy of 2A Maryland

Conclusion

The OAG transmits this report to the Governor and General Assembly according to its statutory responsibility under HB1629 and HB1186. The OAG expresses its appreciation to the LEAs for complying with the OAG's requests for information, notwithstanding the difficulties posed by the COVID-19 pandemic and other logistical challenges. The LEAs contributions were substantial, and the conditions unprecedented. The OAG also expects that, with continued experience and adoption of the OAG's recommendations, the burdens on LEAs will ease and the quality of the data will improve. This initial report establishes a baseline for this iterative process to unfold.

Courtesy of 2A Maryland

Appendix A. Nonresponsive LEAs as of December 7, 2021

LEA	County
Annapolis City Police Department	Anne Arundel County
Baltimore City Community College Department of Public Safety	Baltimore City
Baltimore City Public Schools Police	Baltimore City
Baltimore City Sheriff's Department	Baltimore City
Baltimore County Sheriff's Office	Baltimore County
Baltimore Environmental Police	Baltimore County
Berwyn Heights Police Department	Prince George's County
Boonsboro Police Department	Washington County
Bowie State University Department of Public Safety	Prince George's County
Cambridge Police Department	Dorchester County
Capitol Heights Police Department	Prince George's County
Colmar Manor Police Department	Prince George's County
Coppin State University Department of Public Safety	Baltimore City
Department of General Services	Baltimore City
District Heights Police Department	Prince George's County
Fairmount Heights Police Department	Prince George's County
Federalsburg Police Department	Caroline County
Forest Heights Police Department	Prince George's County
Frostburg City Police Department	Allegany County
Garrett county State's Attorney	Garrett County
Gibson Island Police Department	Anne Arundel County
Glenarden Police Department	Prince George's County
Hagerstown City Fire Marshal	Washington County
Hagerstown Police Department	Washington County
Howard County Sheriff's Office	Howard County
Landover Hills Police Department	Prince George's County
Lonaconing Police Department	Allegany County
Luke Police Department	Allegany County
Maryland Motor Vehicle Administration	
Maryland Natural Resources Police	
Maryland State Forest & Park Services	
Morgan State University Police and Public Safety Department	Baltimore City
Morningside Police Department	Prince George's County
Mount Rainier Police Department	Prince George's County
Ocean Pines Police Department	Worcester County
Oxford Police Department	Talbot County
Prince George's County Public Schools	Prince George's County

Courtesy of 2A Maryland

LEA	County
Prince George's County Sheriff's Office	Prince George's County
Rising Sun Police Department	Cecil County
Rockville City Police Department	Montgomery County
Salisbury University Police Department	Wicomico County
Smithsburg Police Department	Washington County
Spring Grove Hospital Center Police	Baltimore County
Taneytown Police Department	Carroll County
University of Maryland Eastern Shore Department of Public Safety	Somerset County
University of Baltimore Police Department	Baltimore City
University Park Police Department	Prince George's County
Worcester County Fire/Explosive Investigator	Worcester County
Worcester County State's Attorney	Worcester County

Courtesy of 2A Maryland