

# HOUSE BILL 1186

E4

(11r2406)

## **ENROLLED BILL**

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Clippinger**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

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

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

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

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

*Italics indicate opposite chamber/conference committee amendments.*



Section 1 and 2

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

**Chapter 491 of the Acts of 2020**

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

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

(2) “Crime firearm” means a firearm that is:

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

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

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

(4) “Firearm injury and fatality” means an injury or fatality caused by a  
firearm.

(b) The Office of the Attorney General shall:

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

(i) the number and types of firearm crimes;

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

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

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

(i) the jurisdiction;

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

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

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

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

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

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

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

(4) with regard to crime firearms:

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

1. the number and types of crime firearms;

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

3. the jurisdictions where crime firearms were recovered;

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

1. the number of charges and convictions for:

A. crimes of violence;

B. illegal transfers;

C. illegal possession;

D. illegal transportation; and

E. straw purchases; and

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

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

1. for out-of-state crime firearms:

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

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

2. for in-State crime firearms:

A. the jurisdiction of origin; and

B. the location where the crime firearm was recovered;

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

A. names;

B. locations; and

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

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

A. licensing;

B. background checks;

C. waiting periods;

D. straw purchases; and

E. concealed carry laws;

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.