

SENATE BILL 861

E4

(2lr0684)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senator Beidle~~ Senators Beidle, Smith, Waldstreicher, Bailey, Carter, Cassilly, Hettleman, Hough, Lee, Sydnor, Watson, and West

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.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Maryland State Police Gun Center Establishment~~

3 ~~Public Safety – Firearm Crimes – Enforcement Center, Offenses, and~~

4 ~~Procedures~~

5 Crimes – Firearms and Inmates – Enforcement, Procedures, and Reporting

6 FOR the purpose of expanding the types of cases in which the State may appeal from a
7 decision of a trial court; ~~altering the classification of certain crimes involving~~
8 firearms; ~~establishing that for certain offenses the use of a firearm does not include~~
9 mere possession; ~~establishing the felony of theft of a handgun;~~ establishing the
10 Maryland State Police Gun Center as a statewide firearms enforcement center for
11 the tracking, screening, and vetting of all firearm crimes committed in the State;
12 requiring the Center to create and maintain a statewide database to track certain
13 information related to crimes committed with crime firearms; *requiring the*
14 *Commissioner of Correction to include in a certain report certain statistics related to*

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.



the cost of living of inmates at certain facilities; requiring the Division of Correction to include in a certain report regarding Maryland Correctional Enterprises certain statistics regarding the race, age, and sex of certain inmates, disaggregated in a certain manner; and generally relating to ~~the Maryland State Police Gun Center~~ firearm crimes and reporting requirements related to inmates.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 3-207 and 3-509

Annotated Code of Maryland

(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 12-302(c)(4)

Annotated Code of Maryland

(2020 Replacement Volume and 2021 Supplement)

~~*BY repealing and reenacting, with amendments,*~~

~~*Article – Criminal Law*~~

~~*Section 4-204, 4-306(b), 7-104, and 14-101(a)*~~

~~*Annotated Code of Maryland*~~

~~*(2021 Replacement Volume and 2021 Supplement)*~~

BY adding to

Article – Public Safety

Section 5-701 through ~~5-704~~ 5-705 to be under the new subtitle “Subtitle 7. The Maryland State Police Gun Center”

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

Preamble

~~WHEREAS, The Governor’s Office of Crime Prevention, Youth, and Victim Services, in accordance with Chapter 335 of the Acts of the General Assembly of 2019, studied and compiled information for a Report on Crime Firearms Study, including, among other things, the number and type of crimes committed with crime firearms in the State, the sources of crime firearms in the State, and the jurisdictions where crime firearms were recovered in the State; and~~

~~WHEREAS, Between October 1, 2019, and September 30, 2020, there were a total of 2,772 crime firearms cases in Maryland, of which 61.8% occurred in Baltimore City and Prince George’s County; and~~

~~WHEREAS, Between October 1, 2019, and September 30, 2020, there were a total of 1,722 criminal charges associated with crime firearms, of which approximately 87% were for an illegal possession offense, approximately 9% were for the use of a firearm in~~

~~1 conjunction with a crime of violence, and approximately 4% were for a straw
2 purchase related offense; and~~

~~3 WHEREAS, Between October 1, 2019, and September 30, 2020, 2,188 individuals
4 prohibited from possessing a firearm were found to be in possession of crime firearms; and~~

~~5 WHEREAS, On January 1, 2013, the Department of State Police opened the
6 Maryland State Police Gun Center as a component of the Department's firearms
7 enforcement program to operate around the clock, 7 days per week to provide immediate
8 assistance and guidance to local law enforcement agencies on firearm crimes; and~~

~~9 WHEREAS, The Governor's Office of Crime Prevention, Youth, and Victim Services
10 has developed recommendations based on the findings of the Report on Crime Firearms
11 Study that include creating a statewide database to track crime firearms and designating
12 the Maryland State Police Gun Center as a one stop statewide firearms enforcement center
13 for the tracking, screening, and vetting of all firearm crimes committed in the State to
14 ensure that offenders are systematically held accountable; now therefore,~~

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

17 *Article – Correctional Services*

18 *3-207.*

19 *(a) On or before October 31 of each year, the Commissioner shall submit an annual*
20 *report to the Secretary and the Governor that states, for each correctional facility in the*
21 *Division:*

22 *(1) its expenses, receipts, disbursements, condition, and progress;*

23 *(2) the number of inmates and each inmate's age, sex, race, place of birth*
24 *and conviction, crime, and term of confinement;*

25 *(3) the number of inmates who escape, are pardoned, or discharged;*

26 *(4) the job classifications for inmate labor in each department and facility*
27 *under the authority of the Division;*

28 *(5) the daily wage scale at each prison for each job classification under the*
29 *authority of the Division;*

30 *(6) the total number of inmates currently employed at facilities under the*
31 *authority of the Division, disaggregated by facility; [and]*

1 (7) THE ANNUAL COST OF LIVING FOR INMATES, INCLUDING THE
 2 AVERAGE COST OF:

3 (I) TELEPHONE CALLS, INCLUDING CALLS TO MEDICAL
 4 PROVIDERS;

5 (II) VIDEO CALLS; AND

6 (III) ITEMS AVAILABLE FOR PURCHASE AT A COMMISSARY,
 7 INCLUDING:

8 1. FEMININE HYGIENE PRODUCTS;

9 2. TOILETRIES; AND

10 3. MEDICATIONS; AND

11 [(7)] (8) any remarks and suggestions the Commissioner considers
 12 necessary to advance the interests of the correctional facility.

13 (b) The Commissioner shall submit with the report required by subsection (a) of
 14 this section a statement similar to the statement that is required to be submitted under §
 15 3-206 of this subtitle.

16 (c) The Commissioner shall verify the report and statement required by this
 17 section.

18 (d) Subject to § 2-1257 of the State Government Article, the Governor shall submit
 19 to the General Assembly the report and statement required under this section and any
 20 recommendations that the Governor considers expedient.

21 3-509.

22 (a) Annually, the Division shall submit a complete financial and operational
 23 report of Maryland Correctional Enterprises and the Maryland Correctional Enterprises
 24 revolving fund to:

25 (1) the Governor;

26 (2) the Secretary; and

27 (3) the Secretary of Budget and Management.

28 (b) The report required under subsection (a) of this section shall:

1 (1) be in the same general form as a report by the Division on its operations
2 and programs;

3 (2) include information about present and projected personnel and
4 compensation requirements of Maryland Correctional Enterprises;

5 (3) list the job classifications for inmate labor in each department and
6 facility under the authority of Maryland Correctional Enterprises;

7 (4) list the daily wage scale at each prison for each job classification under
8 the authority of Maryland Correctional Enterprises; [and]

9 (5) list the total number of inmates currently employed at facilities under
10 the authority of Maryland Correctional Enterprises, disaggregated by facility; AND

11 **(6) LIST THE RACE, AGE, AND SEX OF INMATES CURRENTLY EMPLOYED**
12 **AT FACILITIES UNDER THE AUTHORITY OF MARYLAND CORRECTIONAL**
13 **ENTERPRISES, DISAGGREGATED BY JOB CLASSIFICATION AND WAGE SCALE.**

14 (c) The Governor, the Secretary, and the Secretary of Budget and Management
15 may include data from the report submitted under this section in the preparation of the
16 budget and capital improvement bill.

17 **Article – Courts and Judicial Proceedings**

18 12-302.

19 (c) (4) (i) **[In a case involving] THIS PARAGRAPH APPLIES IN A CASE:**

20 **1. INVOLVING a crime of violence as defined in § 14-101 of**
21 **the Criminal Law Article[, and in cases under];**

22 **2. UNDER §§ 5-602 through 5-609 and §§ 5-612 through**
23 **5-614 of the Criminal Law Article[.];**

24 **3. UNDER §§ 5-621 AND 5-622 OF THE CRIMINAL LAW**
25 **ARTICLE; OR**

26 **4. UNDER §§ 5-133, 5-133.1, 5-134, 5-136, 5-138,**
27 **5-140, 5-141, 5-142, 5-205, AND 5-206 OF THE PUBLIC SAFETY ARTICLE.**

28 **(II) FOR CASES LISTED IN SUBPARAGRAPH (I) OF THIS**
29 **PARAGRAPH, the State may appeal from a decision of a trial court that excludes evidence**
30 **offered by the State or requires the return of property alleged to have been seized in**

1 violation of the Constitution of the United States, the Maryland Constitution, or the
2 Maryland Declaration of Rights.

3 [(ii)] (III) The appeal shall be made before jeopardy attaches to the
4 defendant. However, in all cases the appeal shall be taken no more than 15 days after the
5 decision has been rendered and shall be diligently prosecuted.

6 [(iii)] (IV) Before taking the appeal, the State shall certify to the
7 court that the appeal is not taken for purposes of delay and that the evidence excluded or
8 the property required to be returned is substantial proof of a material fact in the proceeding.
9 The appeal shall be heard and the decision rendered within 120 days of the time that the
10 record on appeal is filed in the appellate court. Otherwise, the decision of the trial court
11 shall be final.

12 [(iv)] (V) Except in a homicide case, if the State appeals on the basis
13 of this paragraph, and if on final appeal the decision of the trial court is affirmed, the
14 charges against the defendant shall be dismissed in the case from which the appeal was
15 taken. In that case, the State may not prosecute the defendant on those specific charges or
16 on any other related charges arising out of the same incident.

17 [(v)] (VI) 1. Except as provided in subparagraph 2 of this
18 subparagraph, pending the prosecution and determination of an appeal taken under this
19 paragraph or paragraph (2) of this subsection, the defendant shall be released on personal
20 recognizance bail. If the defendant fails to appear as required by the terms of the
21 recognizance bail, the trial court shall subject the defendant to the penalties provided in §
22 5–211 of the Criminal Procedure Article.

23 2. A. Pending the prosecution and determination of an
24 appeal taken under this paragraph or paragraph (2) of this subsection, in a case in which
25 the defendant is charged with a crime of violence, as defined in § 14–101 of the Criminal
26 Law Article, OR A FIREARM–RELATED CRIME LISTED IN SUBPARAGRAPH (I)3 OR 4 OF
27 THIS PARAGRAPH, the court may release the defendant on any terms and conditions that
28 the court considers appropriate or may order the defendant remanded to custody pending
29 the outcome of the appeal.

30 B. The determination and enforcement of any terms and
31 conditions of release shall be in accordance with the provisions of Title 5 of the Criminal
32 Procedure Article.

33 [(vi)] (VII) If the State loses the appeal, the jurisdiction shall pay all
34 the costs related to the appeal, including reasonable attorney's fees incurred by the
35 defendant as a result of the appeal.

36 ~~Article—Criminal Law~~

37 ~~4–204.~~

1 (a) (1) ~~[In this section, "firearm"] IN THIS SECTION THE FOLLOWING~~
2 ~~WORDS HAVE THE MEANINGS INDICATED.~~

3 (2) (1) ~~"FIREARM" means:~~

4 ~~(i) 1. a weapon that expels, is designed to expel, or may readily~~
5 ~~be converted to expel a projectile by the action of an explosive; or~~

6 ~~(ii) 2. the frame or receiver of such a weapon.~~

7 ~~(2) (II) "Firearm" includes an antique firearm, handgun, rifle, shotgun,~~
8 ~~short barreled rifle, short barreled shotgun, starter gun, or any other firearm, whether~~
9 ~~loaded or unloaded.~~

10 (3) ~~"USE A FIREARM" DOES NOT INCLUDE THE MERE POSSESSION OF~~
11 ~~A FIREARM.~~

12 (b) ~~A person may not use a firearm in the commission of a crime of violence, as~~
13 ~~defined in § 5-101 of the Public Safety Article, or any felony, whether the firearm is~~
14 ~~operable or inoperable at the time of the crime.~~

15 (c) (1) (i) ~~A person who violates this section is guilty of a [misdemeanor]~~
16 ~~FELONY and, in addition to any other penalty imposed for the crime of violence or felony,~~
17 ~~shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.~~

18 (ii) ~~The court may not impose less than the minimum sentence of 5~~
19 ~~years and, except as otherwise provided in § 4-305 of the Correctional Services Article, the~~
20 ~~person is not eligible for parole in less than 5 years.~~

21 (2) ~~For each subsequent violation, the sentence shall be consecutive to and~~
22 ~~not concurrent with any other sentence imposed for the crime of violence or felony.~~

23 ~~4-306.~~

24 (b) (1) ~~IN THIS SUBSECTION, "USES" DOES NOT INCLUDE MERE~~
25 ~~POSSESSION.~~

26 (2) ~~A person who uses an assault weapon, a rapid fire trigger activator, or~~
27 ~~a magazine that has a capacity of more than 10 rounds of ammunition, in the commission~~
28 ~~of a felony or a crime of violence as defined in § 5-101 of the Public Safety Article is guilty~~
29 ~~of a [misdemeanor] FELONY and on conviction, in addition to any other sentence imposed~~
30 ~~for the felony or crime of violence, shall be sentenced under this subsection.~~

~~1 (2)(3) (i) For a first violation, the person shall be sentenced to~~
~~2 imprisonment for not less than 5 years and not exceeding 20 years.~~

~~3 (ii) The court may not impose less than the minimum sentence of 5~~
~~4 years.~~

~~5 (iii) The mandatory minimum sentence of 5 years may not be~~
~~6 suspended.~~

~~7 (iv) Except as otherwise provided in § 4-305 of the Correctional~~
~~8 Services Article, the person is not eligible for parole in less than 5 years.~~

~~9 (3)(4) (i) For each subsequent violation, the person shall be~~
~~10 sentenced to imprisonment for not less than 10 years and not exceeding 20 years.~~

~~11 (ii) The court may not impose less than the minimum sentence of 10~~
~~12 years.~~

~~13 (iii) A sentence imposed under this paragraph shall be consecutive to~~
~~14 and not concurrent with any other sentence imposed for the felony or crime of violence.~~

~~15 7-104.~~

~~16 (a) A person may not willfully or knowingly obtain or exert unauthorized control~~
~~17 over property, if the person:~~

~~18 (1) intends to deprive the owner of the property;~~

~~19 (2) willfully or knowingly uses, conceals, or abandons the property in a~~
~~20 manner that deprives the owner of the property; or~~

~~21 (3) uses, conceals, or abandons the property knowing the use, concealment,~~
~~22 or abandonment probably will deprive the owner of the property.~~

~~23 (b) A person may not obtain control over property by willfully or knowingly using~~
~~24 deception, if the person:~~

~~25 (1) intends to deprive the owner of the property;~~

~~26 (2) willfully or knowingly uses, conceals, or abandons the property in a~~
~~27 manner that deprives the owner of the property; or~~

~~28 (3) uses, conceals, or abandons the property knowing the use, concealment,~~
~~29 or abandonment probably will deprive the owner of the property.~~

~~30 (c) (1) A person may not possess stolen personal property knowing that it has~~
~~31 been stolen, or believing that it probably has been stolen, if the person:~~

1 ~~(i) intends to deprive the owner of the property;~~

2 ~~(ii) willfully or knowingly uses, conceals, or abandons the property~~
3 ~~in a manner that deprives the owner of the property; or~~

4 ~~(iii) uses, conceals, or abandons the property knowing that the use,~~
5 ~~concealment, or abandonment probably will deprive the owner of the property.~~

6 ~~(2) In the case of a person in the business of buying or selling goods, the~~
7 ~~knowledge required under this subsection may be inferred if:~~

8 ~~(i) the person possesses or exerts control over property stolen from~~
9 ~~more than one person on separate occasions;~~

10 ~~(ii) during the year preceding the criminal possession charged, the~~
11 ~~person has acquired stolen property in a separate transaction; or~~

12 ~~(iii) being in the business of buying or selling property of the sort~~
13 ~~possessed, the person acquired it for a consideration that the person knew was far below a~~
14 ~~reasonable value.~~

15 ~~(3) In a prosecution for theft by possession of stolen property under this~~
16 ~~subsection, it is not a defense that:~~

17 ~~(i) the person who stole the property has not been convicted,~~
18 ~~apprehended, or identified;~~

19 ~~(ii) the defendant stole or participated in the stealing of the property;~~

20 ~~(iii) the property was provided by law enforcement as part of an~~
21 ~~investigation, if the property was described to the defendant as being obtained through the~~
22 ~~commission of theft; or~~

23 ~~(iv) the stealing of the property did not occur in the State.~~

24 ~~(4) Unless the person who criminally possesses stolen property~~
25 ~~participated in the stealing, the person who criminally possesses stolen property and a~~
26 ~~person who has stolen the property are not accomplices in theft for the purpose of any rule~~
27 ~~of evidence requiring corroboration of the testimony of an accomplice.~~

28 ~~(d) A person may not obtain control over property knowing that the property was~~
29 ~~lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature~~
30 ~~or amount of the property, if the person:~~

31 ~~(1) knows or learns the identity of the owner or knows, is aware of, or~~
32 ~~learns of a reasonable method of identifying the owner;~~

1 ~~(2) fails to take reasonable measures to restore the property to the owner;~~
2 ~~and~~

3 ~~(3) intends to deprive the owner permanently of the use or benefit of the~~
4 ~~property when the person obtains the property or at a later time.~~

5 ~~(e) A person may not obtain the services of another that are available only for~~
6 ~~compensation;~~

7 ~~(1) by deception; or~~

8 ~~(2) with knowledge that the services are provided without the consent of~~
9 ~~the person providing them.~~

10 ~~(f) Under this section, an offender's intention or knowledge that a promise would~~
11 ~~not be performed may not be established by or inferred solely from the fact that the promise~~
12 ~~was not performed.~~

13 ~~(g) (1) THIS SUBSECTION DOES NOT APPLY TO THEFT OF A HANDGUN, AS~~
14 ~~DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE.~~

15 ~~(2) A person convicted of theft of property or services with a value of:~~

16 ~~(i) at least \$1,500 but less than \$25,000 is guilty of a felony and:~~

17 ~~1. is subject to imprisonment not exceeding 5 years or a fine~~
18 ~~not exceeding \$10,000 or both; and~~

19 ~~2. shall restore the property taken to the owner or pay the~~
20 ~~owner the value of the property or services;~~

21 ~~(ii) at least \$25,000 but less than \$100,000 is guilty of a felony and:~~

22 ~~1. is subject to imprisonment not exceeding 10 years or a fine~~
23 ~~not exceeding \$15,000 or both; and~~

24 ~~2. shall restore the property taken to the owner or pay the~~
25 ~~owner the value of the property or services; or~~

26 ~~(iii) \$100,000 or more is guilty of a felony and:~~

27 ~~1. is subject to imprisonment not exceeding 20 years or a fine~~
28 ~~not exceeding \$25,000 or both; and~~

1 ~~2. shall restore the property taken to the owner or pay the~~
2 ~~owner the value of the property or services.~~

3 ~~[(2)] (3) Except as provided in paragraph [(3)] (4) of this subsection, a~~
4 ~~person convicted of theft of property or services with a value of at least \$100 but less than~~
5 ~~\$1,500, is guilty of a misdemeanor and:~~

6 (i) ~~is subject to:~~

7 ~~1. for a first conviction, imprisonment not exceeding 6~~
8 ~~months or a fine not exceeding \$500 or both; and~~

9 ~~2. for a second or subsequent conviction, imprisonment not~~
10 ~~exceeding 1 year or a fine not exceeding \$500 or both; and~~

11 (ii) ~~shall restore the property taken to the owner or pay the owner~~
12 ~~the value of the property or services.~~

13 ~~[(3)] (4) A person convicted of theft of property or services with a value of~~
14 ~~less than \$100 is guilty of a misdemeanor and:~~

15 (i) ~~is subject to imprisonment not exceeding 90 days or a fine not~~
16 ~~exceeding \$500 or both; and~~

17 (ii) ~~shall restore the property taken to the owner or pay the owner~~
18 ~~the value of the property or services.~~

19 ~~[(4)] (5) Subject to paragraph [(5)] (6) of this subsection, a person who~~
20 ~~has four or more prior convictions under this subtitle and who is convicted of theft of~~
21 ~~property or services with a value of less than \$1,500 under paragraph [(2)] (3) of this~~
22 ~~subsection is guilty of a misdemeanor and:~~

23 (i) ~~is subject to imprisonment not exceeding 5 years or a fine not~~
24 ~~exceeding \$5,000 or both; and~~

25 (ii) ~~shall restore the property taken to the owner or pay the owner~~
26 ~~the value of the property or services.~~

27 ~~[(5)] (6) The court may not impose the penalties under paragraph [(4)]~~
28 ~~(5) of this subsection unless the State's Attorney serves notice on the defendant or the~~
29 ~~defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least~~
30 ~~15 days before trial that:~~

31 (i) ~~the State will seek the penalties under paragraph [(4)] (5) of this~~
32 ~~subsection; and~~

1 ~~(ii) lists the alleged prior convictions.~~

2 ~~(H) A PERSON CONVICTED OF THEFT OF A HANDGUN, AS DEFINED IN §~~
 3 ~~5-101 OF THE PUBLIC SAFETY ARTICLE, IS GUILTY OF A FELONY AND IS SUBJECT~~
 4 ~~TO, FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE~~
 5 ~~NOT EXCEEDING \$1,000 OR BOTH.~~

6 ~~[(h)](I) (1) If a person is convicted of a violation under this section for failure~~
 7 ~~to pay for motor fuel after the motor fuel was dispensed into a vehicle, the court shall:~~

8 ~~(i) notify the person that the person's driver's license may be~~
 9 ~~suspended under § 16-206.1 of the Transportation Article; and~~

10 ~~(ii) notify the Motor Vehicle Administration of the violation.~~

11 ~~(2) The Chief Judge of the District Court and the Administrative Office of~~
 12 ~~the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform~~
 13 ~~procedures for reporting a violation under this subsection.~~

14 ~~[(i)](J) An action or prosecution for a violation of subsection [(g)(2) or (3)]~~
 15 ~~(G)(3) OR (4) of this section shall be commenced within 2 years after the commission of~~
 16 ~~the crime.~~

17 ~~[(i)](K) A person who violates this section by use of an interactive computer~~
 18 ~~service may be prosecuted, indicted, tried, and convicted in any county in which the victim~~
 19 ~~resides or the electronic communication originated or terminated.~~

20 ~~14-101.~~

21 ~~(a) (1) In this section, "crime of violence" means:~~

22 ~~(1) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

23 ~~(2) "CRIME OF VIOLENCE" MEANS:~~

24 ~~(I) abduction;~~

25 ~~[(2)] (II) arson in the first degree;~~

26 ~~[(3)] (III) kidnapping;~~

27 ~~[(4)] (IV) manslaughter, except involuntary manslaughter;~~

28 ~~[(5)] (V) mayhem;~~

1 ~~[(6)] (VI) maiming, as previously proscribed under former Article 27, §§~~
2 ~~385 and 386 of the Code;~~

3 ~~[(7)] (VII) murder;~~

4 ~~[(8)] (VIII) rape;~~

5 ~~[(9)] (IX) robbery under § 3-402 or § 3-403 of this article;~~

6 ~~[(10)] (X) carjacking;~~

7 ~~[(11)] (XI) armed carjacking;~~

8 ~~[(12)] (XII) sexual offense in the first degree;~~

9 ~~[(13)] (XIII) sexual offense in the second degree;~~

10 ~~[(14)] (XIV) use of a firearm in the commission of a felony [except possession~~
11 ~~with intent to distribute a controlled dangerous substance under § 5-602(2) of this article,]~~
12 ~~or other crime of violence;~~

13 ~~[(15)] (XV) child abuse in the first degree under § 3-601 of this article;~~

14 ~~[(16)] (XVI) sexual abuse of a minor under § 3-602 of this article if:~~

15 ~~[(i)] 1. the victim is under the age of 13 years and the offender is~~
16 ~~an adult at the time of the offense; and~~

17 ~~[(ii)] 2. the offense involved:~~

18 ~~[1.] A. vaginal intercourse, as defined in § 3-301 of this~~
19 ~~article;~~

20 ~~[2.] B. a sexual act, as defined in § 3-301 of this article;~~

21 ~~[3.] C. an act in which a part of the offender's body~~
22 ~~penetrates, however slightly, into the victim's genital opening or anus; or~~

23 ~~[4.] D. the intentional touching of the victim's or the~~
24 ~~offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;~~

25 ~~[(17)] (XVII) home invasion under § 6-202(b) of this article;~~

26 ~~[(18)] (XVIII) a felony offense under Title 3, Subtitle 11 of this article;~~

1 ~~[(19)] (XIX) an attempt to commit any of the crimes described in items [(1)~~
 2 ~~through (18)] (I) THROUGH (XVIII) of this [subsection] PARAGRAPH;~~

3 ~~[(20)] (XX) continuing course of conduct with a child under § 3-315 of this~~
 4 ~~article;~~

5 ~~[(21)] (XXI) assault in the first degree;~~

6 ~~[(22)] (XXII) assault with intent to murder;~~

7 ~~[(23)] (XXIII) assault with intent to rape;~~

8 ~~[(24)] (XXIV) assault with intent to rob;~~

9 ~~[(25)] (XXV) assault with intent to commit a sexual offense in the first~~
 10 ~~degree; and~~

11 ~~[(26)] (XXVI) assault with intent to commit a sexual offense in the~~
 12 ~~second degree;~~

13 ~~(3) "USE OF A FIREARM" DOES NOT INCLUDE MERE POSSESSION OF A~~
 14 ~~FIREARM.~~

Article – Public Safety

SUBTITLE 7. THE MARYLAND STATE POLICE GUN CENTER.

5-701.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 19 INDICATED.

20 (B) "CENTER" MEANS THE MARYLAND STATE POLICE GUN CENTER.

21 (C) "CRIME FIREARM" MEANS A FIREARM THAT IS:

22 (1) USED IN THE COMMISSION OF A CRIME OF VIOLENCE, AS DEFINED
 23 IN § 5-101 OF THIS TITLE; OR

24 (2) RECOVERED BY A LAW ENFORCEMENT AGENCY IN CONNECTION
 25 WITH ILLEGAL FIREARM POSSESSION, TRANSPORTATION, OR TRANSFER.

26 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

1 **(E) “FEDERALLY LICENSED FIREARMS DEALER” MEANS A PERSON**
2 **LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND**
3 **EXPLOSIVES TO DEAL IN FIREARMS.**

4 **(F) “FEDERALLY LICENSED FIREARMS IMPORTER” MEANS A PERSON**
5 **LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND**
6 **EXPLOSIVES TO IMPORT FIREARMS.**

7 **(G) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-201**
8 **OF THIS ARTICLE.**

9 **5-702.**

10 **(A) THE CENTER IS ESTABLISHED WITHIN THE DEPARTMENT AS A**
11 **STATEWIDE FIREARMS ENFORCEMENT CENTER FOR THE TRACKING, SCREENING,**
12 **AND VETTING OF ALL FIREARM CRIMES COMMITTED IN THE STATE.**

13 **(B) THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED AND APPLIED TO**
14 **PROMOTE ITS UNDERLYING PURPOSES AND POLICIES.**

15 **5-703.**

16 **(A) THE CENTER SHALL CREATE AND MAINTAIN A STATEWIDE DATABASE**
17 **TO TRACK INFORMATION ON CRIMES COMMITTED WITH CRIME FIREARMS.**

18 **(B) EACH LAW ENFORCEMENT AGENCY SHALL REPORT TO THE CENTER THE**
19 **FOLLOWING INFORMATION ON CRIMES COMMITTED IN THE JURISDICTION OF THE**
20 **LAW ENFORCEMENT AGENCY WITH CRIME FIREARMS:**

21 **(1) THE NUMBER AND TYPE OF CRIME FIREARMS;**

22 **(2) THE JURISDICTIONS WHERE CRIME FIREARMS ARE RECOVERED;**

23 **(3) THE SOURCES OF THE CRIME FIREARMS RECOVERED, IF**
24 **DISCOVERABLE, INCLUDING:**

25 **(I) THE FEDERALLY LICENSED FIREARMS IMPORTER;**

26 **(II) THE FEDERALLY LICENSED FIREARMS DEALER; AND**

27 **(III) THE FIRST PURCHASER OF THE CRIME FIREARM;**

28 **(4) INFORMATION REGARDING THE INDIVIDUAL FOUND IN**
29 **POSSESSION OF THE CRIME FIREARM, INCLUDING:**

- 1 (I) THE INDIVIDUAL’S AGE;
- 2 (II) THE INDIVIDUAL’S JURISDICTION OF RESIDENCE;
- 3 (III) THE JURISDICTION WHERE THE INDIVIDUAL IS CHARGED;
- 4 AND
- 5 (IV) WHETHER THE INDIVIDUAL WAS PROHIBITED FROM
- 6 POSSESSING A FIREARM; AND
- 7 (5) ANY OTHER INFORMATION REQUESTED BY THE CENTER.

8 (C) THE CENTER MAY REQUIRE A LAW ENFORCEMENT AGENCY TO REPORT

9 ANY OTHER INFORMATION RELATING TO FIREARM CRIMES COMMITTED IN THE

10 JURISDICTION OF THE LAW ENFORCEMENT AGENCY TO ASSIST THE CENTER IN THE

11 TRACKING OF FIREARM CRIMES COMMITTED IN THE STATE.

12 (D) THE CENTER SHALL DESIGNATE HOW OFTEN LAW ENFORCEMENT

13 AGENCIES ARE REQUIRED TO REPORT THE INFORMATION REQUIRED UNDER THIS

14 SECTION.

15 **5-704.**

16 (A) THE CENTER SHALL COORDINATE WITH THE DEPARTMENT AND LAW

17 ENFORCEMENT AGENCIES TO SCREEN AND VET ALL FIREARM CRIMES COMMITTED

18 IN THE STATE BY:

19 (1) DETERMINING WHETHER AN INDIVIDUAL CHARGED WITH A

20 FIREARM CRIME WAS PROHIBITED FROM POSSESSING A FIREARM; AND

21 (2) RECOMMENDING SPECIFIC FIREARM CHARGES TO ENSURE THAT

22 AN INDIVIDUAL CHARGED WITH A FIREARM CRIME IS APPROPRIATELY CHARGED.

23 (B) THE CENTER SHALL ASSIST THE DEPARTMENT AND LAW

24 ENFORCEMENT AGENCIES WITH FIREARM ENFORCEMENT AND FIREARM VIOLATION

25 REDUCTION EFFORTS.

26 **5-705.**

27 BEGINNING IN 2023, AND EACH YEAR THEREAFTER, THE GOVERNOR SHALL

28 INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION SUFFICIENT TO FUND

29 THE OPERATIONS OF THE CENTER.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.