



# MARYLAND FIREARM CRIME, INJURIES, FATALITIES, AND CRIME FIREARMS STUDY

FOR THE PERIOD OF JULY 31, 2019 – AUGUST 1, 2020





**Comparative Legal Analysis**

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# Background and Purpose

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

## Key Definitions

### *Compliance Inspection*

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

### *Crime Firearm*

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

### *Crime of Violence*

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

- 1) abduction;
- 2) arson in the first degree;
- 3) assault in the first or second degree;
- 4) burglary in the first, second, or third degree;
- 5) carjacking and armed carjacking;
- 6) escape in the first degree;
- 7) kidnapping;
- 8) voluntary manslaughter;
- 9) maiming as previously proscribed under former Article 27, § 386 of the Code;
- 10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
- 11) murder in the first or second degree;

- 12) rape in the first or second degree;
- 13) robbery;
- 14) robbery with a dangerous weapon;
- 15) sexual offense in the first, second, or third degree;
- 16) home invasion under § 6-202(b) of the Criminal Law Article;
- 17) a felony offense under Title 3, Subtitle 11 of the Criminal Law Article;

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

### ***Firearm Crime***

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

### ***Firearm Injury and Fatality***

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

### ***Jurisdiction***

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

### ***Privately Made Firearm***

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

### ***Straw Purchase***

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

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

### ***Targeted Inspection***

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

### ***Time-to-Crime***

The ATF defines “time-to-crime” as the amount of time between the retail sale of a firearm by an FFL and its recovery by law enforcement.<sup>ii</sup>

### ***Type of Firearm***

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

## **Methodology**

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

### ***Data Collection***

#### **LAW ENFORCEMENT AGENCIES**

##### ***Identifying Law Enforcement Agencies***

WYSAC reviewed a list of Maryland LEAs published by the Maryland Department of Public Safety, Maryland Police and Correctional Training Commissions (PCTC) and identified 182 public safety and correctional agencies.<sup>iv</sup> WYSAC compared the PCTC list of agencies to a list of 152 agencies provided by the OAG and identified 190 unique LEAs. WYSAC excluded LEAs that never respond to firearm crimes and LEAs that are no longer in operation (Appendix A). In total, WYSAC requested data from 131 LEAs.

## ***Collecting Data from Law Enforcement Agencies***

On July 5, 2022, OAG emailed each LEA introducing the research team and explaining the requirements of HB 1186 (2021). The next day, WYSAC emailed an Excel data collection template to each LEA and reiterated the requirements of HB 1186 (2021). The OAG and WYSAC asked LEAs to return completed data templates no later than September 1, 2021. To maximize response rates, WYSAC and OAG sent regular reminder emails and on August 18, 2022, WYSAC contacted nonresponsive LEAs by telephone.

In all, 109 (83%) LEAs provided data on or before the deadline and 13 (15%) LEAs submitted data after the deadline. Nine LEAs (7%) declined to provide data or did not respond (Appendix A). WYSAC closed data collection on October 13, 2021.

## ***Quality Control***

### **Technical Assistance**

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

### **Data Collection Template**

The OAG and WYSAC used an Excel data collection template to collect data from LEAs. The template used several data validation features to make the template easy to use and minimize human error. Data validation features included drop-down lists to restrict and standardize users' entries (e.g., limiting selections to one of eight firearm types) and restricted date fields (e.g., only accepting incident dates within the reporting period). The template included a "quick start guide" with instructions and hyperlinks to important definitions.

WYSAC made three substantive updates to the template. The first version of the template restricted the choice of charge at arrest to the crimes of violence referenced in HB 1186 (2021).<sup>1</sup> WYSAC updated the template to include a free-text field to allow LEAs to type in alternative charges. WYSAC modified the template a second time to gather specific information about firearm crime victims. Version-one of the template asked only for the total number of firearm injuries and firearm deaths. The second update required LEAs to specify the type of harm caused (injury, homicide, or suicide), whether the harm was intentional or accidental, and if the victim was an adult or a juvenile. The third version of the template allowed LEAs to provide

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<sup>1</sup> § 5-101 of the Public Safety Article

information about multiple firearms. WYSAC made the third and final major update to the template on July 27, 2022. WYSAC made additional modifications to correct minor errors, add missing jurisdictions, and generate incident numbers.

### **Requests for Information and Clarification**

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

#### MARYLAND ADMINISTRATIVE OFFICE OF THE COURTS

The OAG and WYSAC requested firearm crime data from AOC to supplement charging and disposition data provided by LEAs. Specifically, WYSAC requested data for all filings within the reporting period that included at least one firearm-related charge. WYSAC also requested data about any additional charges associated with each firearm-related charge.

#### MARYLAND DEPARTMENT OF STATE POLICE – FIREARMS REGISTRATION SECTION

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

#### BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

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

WYSAC filed a Freedom of Information Act (FOIA) request with the ATF to request disaggregated data about firearms recovered and traced within the State during the reporting period or aggregate data about the same. The ATF determined the data are exempt from disclosure and denied the request.<sup>2</sup>

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<sup>2</sup> Firearm trace data are exempt from disclosure pursuant to Exemption (b)(3) of the FOIA and Public Law 112-55, 125 Stat. 552.



# Analysis

## *Law Enforcement Data*

Of the 122 LEAs that responded to the OAG and WYSAC's data request, 80 (66%) provided data about one or more firearm crimes, 35 (29%) reported that the agency did not respond to any firearm crimes during the reporting period, and seven (5%) reported that a separate agency is responsible for reporting the agency's data.

### LIMITATIONS

#### *Differences in Data Reporting*

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

#### *Missing Disposition Data*

Only 49 (40%) of LEAs that submitted data provided disposition information. Most LEAs reported that they do not record disposition data. As a result, fewer than 10% (n=767) of incidents included information about dispositions. WYSAC used disposition data provided by the AOC to supplement missing LEA data.

#### *Missing Crime Firearm Origin Data*

Only 34 (28%) LEAs provided information about place of purchase and purchase date for recovered firearms. The remaining LEAs reported that they either 1) do not keep origin data, or 2) do not trace crime firearms. Fewer than 19% (n=572) of recovered firearms included origin data. WYSAC used ATF gun-trace data to supplement missing crime firearm origin data.

#### *Missing or Incomplete Injury and Fatality Data*

Most LEAs (n=120, 98%) reported data about firearm-related injuries and fatalities. Neither the MSP nor the Baltimore City Police Department (BPD) could specify if an incident included more than one injury or fatality, only that an injury or fatality occurred. In addition, BPD was unable to disaggregate injury and fatality data by age or classify injuries and fatalities as accidental or

intentional. WYSAC included injuries and fatalities reported by both agencies (MSP and BPD) as a single event. As a result, the total number of injuries and fatalities is likely much higher.

## *Maryland Department of State Police, Dealer Audit Unit*

The OAG and WYSAC requested the dates and outcomes of audits conducted by the MSP's Dealer Audit Unit of the top-ten dealers of crime firearms identified in WYSAC's analysis. The Dealer Audit Unit audited each dealer one time, except for *Bass Pro Shops Outdoor World* which was audited twice. WYSAC summarized the results of the audits of the top-ten dealers of crime firearms.

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

## *Maryland Administrative Office of the Courts*

AOC provided data about 12,791 unique filings that included at least one firearm-related charge. AOC extracted filings from four records management systems (CCDC\_MDEC, 8th Circuit [Baltimore City], CC Prince George's County, and DC\_NonMDEC). AOC did not provide records with the following dispositions; remanded to - Juvenile Court; waived from Criminal to Juvenile Court; forwarded - Juvenile Authorities; transferred for Juvenile Sentencing; or forwarded - Circuit Court if the defendant was under 18 pursuant to CP § 4-202(i) and CJ § 3-8A-27.

WYSAC categorized charges into eight categories (altering or possessing an altered firearm, discharging a firearm, illegal possession, illegal sale, illegal transfer, illegal transportation, and straw purchase). WYSAC categorized crimes of violence into 37 categories (Table 1).

Researchers relied on § 5-101 of the Public Safety Article for definitions and included charges for an attempt, conspiracy, accessory, and soliciting a crime of violence.

**Table 1: Crimes of Violence Categories**

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

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### *Equipment used to complete the project*

WYSAC used Microsoft Excel to collect, clean, and summarize firearm crime data provided by LEAs; Microsoft Access to track contacts, submissions, and communications; and *Statistical Package for the Social Sciences 27* (SPSS) to analyze court data.

# Findings

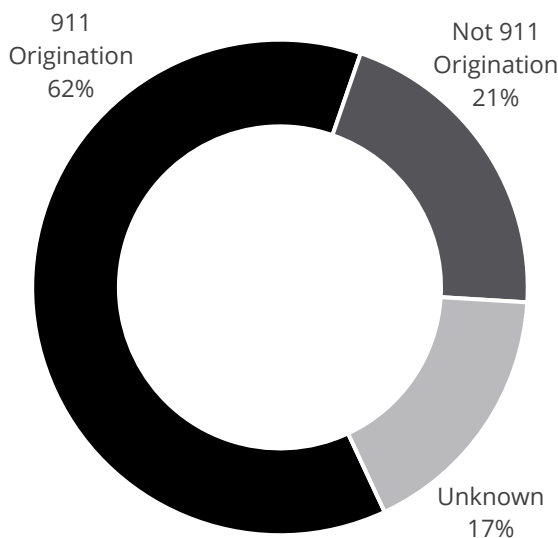
## *Firearm Crimes Committed in the State of Maryland*

LEAs in all 24 jurisdictions provided information about 8,096 firearm crimes (Table 2). Baltimore City provided data on about 3,564 firearm crimes, 44% of the total. Kent County reported the fewest number of firearm crimes (n=13, 0.1%).

## *9-1-1 Requests for Emergency Assistance*

Sixty-two percent (n=5,038) of LEA responses were initiated by a 9-1-1 call (Figure 1). 9-1-1 origination data were missing for 17% (n=1,384) of incidents.

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



**Table 2: Number of Firearm Crimes, by Jurisdiction**

Jurisdiction	Number of Crimes
Allegany	57
Anne Arundel	497
Baltimore City	3,564
Baltimore County	680
Calvert	37
Caroline	38
Carroll	70
Cecil	106
Charles	195
Dorchester	38
Frederick	73
Garrett	26
Harford	80
Howard	193
Kent	13
Montgomery	228
Prince George's	1,624
Queen Anne's	23
Somerset	25
St. Mary	100
Talbot	19
Washington	192
Wicomico	143
Worcester	75
<b>Total</b>	<b>8,096</b>

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

Jurisdiction	9-1-1 Origination	Not a 9-1-1 Origination	Unknown or Missing Origination	Arrests from 9-1-1 Originations
Allegany	14	17	26	9
Anne Arundel	308	74	115	143
Baltimore City	2,979	541	44	440
Baltimore County	1	4	675	1
Calvert	7	1	29	5
Caroline	7	9	22	5
Carroll	22	13	35	11
Cecil	48	14	44	25
Charles	140	31	24	78
Dorchester	14	6	18	9
Frederick	35	6	32	19
Garrett	3	6	17	3
Harford	33	22	25	17
Howard	149	26	18	66
Kent	4	0	9	4
Montgomery	111	56	61	75
Prince George's	885	692	61	285
Queen Anne's	3	4	16	0
Somerset	2	3	20	0
St. Mary	47	30	23	16
Talbot	3	6	10	3
Washington	135	33	24	60
Wicomico	64	40	39	26
Worcester	24	36	15	23

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

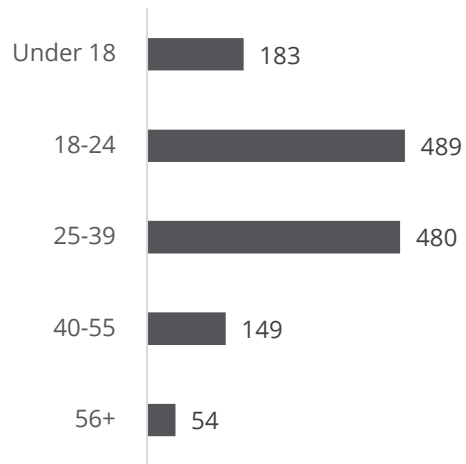
Of the 5,058 LEA incidents initiated by a 9-1-1 call, 1,323 resulted in arrest (26%). WYSAC asked LEAs to provide the age at arrest for each arrestee. LEAs provided ages for 80% (n=1,067) of the 9-1-1 calls that resulted in arrest, a total of 1,355 arrestees. The youngest person arrested was 11 years old and the oldest was 84 years old. The median age of arrestees was 28 years old.

### *Injuries and Fatalities*

The OAG and WYSAC asked LEAs to report the number of accidental and intentional injuries, fatalities, and suicides for adults and juveniles (Table 4). LEAs reported a total of 2,739 injuries and fatalities. LEAs did not report victim age or intent for 1,200 (44%) injuries and fatalities.<sup>3</sup> Most victims with reported ages were adults (94%, n=1,439), only 100 (6%) were juveniles. Intentional injury was the most common outcome reported by LEAs for both adults and juveniles. Eighty-six percent (n=1,237) of adult victims and 91% (n=91) of juvenile victims suffered an intentional injury.

WYSAC used the Centers for Disease Control and Prevention’s (CDC) National Violent Death Reporting System (NVDRS) to supplement LEA-reported death data. Researchers included estimates for all firearm-related deaths including unintentional, homicide, and undetermined intent. NVDRS reported 239 firearm-related suicides and 450 other firearm-related deaths in Maryland during the calendar year 2019 (the most recent data available).<sup>viii</sup>

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



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

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<sup>3</sup> MSP and BPD did not provide or provided limited information about victim age, number of victims, and type of injury. WYSAC included injuries and fatalities reported by both agencies as a single event.

**Table 4: Firearm Crimes Injuries and Deaths**

	Accidental Injury		Intentional Injury		Accidental Homicide		Intentional Homicide		Suicide		Unclassified Injury	Unclassified Death
	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile		
Allegany	0	0	3	0	0	0	1	0	0	0	0	0
Anne Arundel	2	0	46	6	1	0	14	1	26	0	1	0
Baltimore City	0	0	0	0	0	0	1	0	0	0	702	307
Baltimore County	0	0	0	0	0	0	0	0	0	0	138	30
Calvert	0	0	1	0	0	0	0	0	0	0	3	0
Caroline	1	0	1	0	0	0	1	0	0	0	2	0
Carroll	0	0	0	0	0	0	0	0	6	0	1	0
Cecil	1	0	10	2	0	0	0	0	1	0	1	0
Charles	3	0	21	0	0	2	7	0	9	0	2	0
Dorchester	0	0	12	0	0	0	1	0	0	0	1	0
Frederick	5	0	6	0	0	0	3	0	3	0	2	0
Garrett	0	0	0	0	0	0	0	0	0	0	0	0
Harford	0	0	6	0	0	0	3	0	0	0	0	0
Howard	0	1	5	1	2	0	2	0	4	1	1	0
Kent	0	0	0	0	0	0	0	0	0	0	0	0
Montgomery	0	0	23	1	0	0	15	0	0	0	1	0
Prince George's	0	1	1,055	80	2	0	52	1	2	0	0	0
Queen Anne's	0	0	0	0	0	0	1	0	1	1	2	0
Somerset	0	0	1	0	0	0	0	0	0	0	0	0
St. Mary	4	0	0	0	0	0	2	0	5	0	0	0
Talbot	0	0	0	0	0	0	0	0	0	0	1	0
Washington	3	0	41	1	0	0	7	1	1	0	0	0
Wicomico	1	0	5	0	0	0	1	0	6	0	5	0
Worchester	0	0	1	0	0	0	0	0	2	0	0	0
<b>Total</b>	<b>20</b>	<b>2</b>	<b>1,237</b>	<b>91</b>	<b>5</b>	<b>2</b>	<b>111</b>	<b>3</b>	<b>66</b>	<b>2</b>	<b>863</b>	<b>337</b>

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

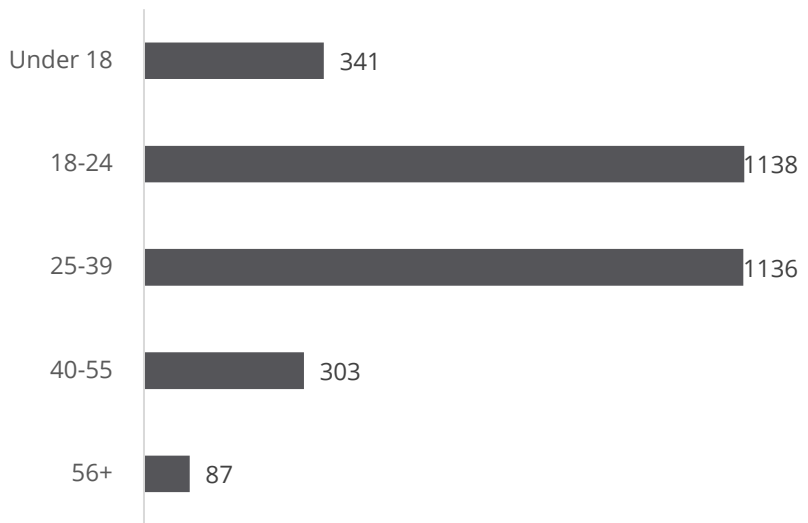
## Arrests

Of the 8,096 reported incidents, 32% (n=2,640) indicated an arrest was made and 60% (n=4,837) reported no arrest. Arrest status was missing for 8% (n=619) of arrests.

To analyze age of arrestees, WYSAC included incidents that were missing arrest status but included arrest age. In total, 2,367 (29%) incidents included arrest-age information. Agencies could report more than one arrest for each incident. The 2,367 incidents that included one or more arrests and provided

the age(s) of arrestees resulted in 3,005 total arrests. When the LEA indicated an arrest was made but did not specify age of arrestee, WYSAC used age reported at disposition when this information was available. The youngest person arrested was 10 years old, and the oldest was 86 years old. The average age was 28 years old (Figure 3).

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



Note: If arrest age was provided but arrest (y/n) was missing, the ages were still included as an arrest. If an arrest was indicated and an age was not provided but a disposition age was provided, we reported the disposition age.

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## Dispositions

In total, Maryland prosecuted 8,114 unique cases with a total of 34,455 firearm related charges in district courts. Among adults and those tried as adults in district courts, most (46%, n=2,653) were between the ages of 25 and 39 (Figure 4). The youngest person tried as an adult in district court was 15 years old, and the oldest was 86 years old. The median age was 27.

Maryland prosecuted 4,677 unique cases with a total of 28,839 firearm related charges in circuit courts. Some circuit court cases started in district court and then transferred to circuit court. Because of this, we analyzed district and circuit court data separately.

Among adults and those tried as adults, most (44%, n=2,075) circuit court defendants were between the ages of 25 and 39 (Figure 4). The youngest person tried as an adult in district court



was 14 years old, and the oldest was 86 years old. The median age of circuit court defendants was 27.

### CHARGE AT DISPOSITION

Table 5 lists the types of firearm crimes by district and circuit court. The 3<sup>rd</sup> District Court (which serves Caroline, Cecil, Kent, Queen Anne’s, and Talbot Counties) had the most (n=7,650) firearm related charges among district courts. The 12<sup>th</sup> District Court (serving Allegany and Garrett Counties) had the fewest firearm related charges (n=417) among district courts.

The 8<sup>th</sup> Circuit Court (serving Baltimore City) had the most firearm related charges (n=12,827) among circuit courts. The 2<sup>nd</sup> Circuit Court had the fewest firearm related charges among circuit courts with 625 charges (Table 5).

In both district and the circuit courts, illegal possession was the most commonly charged firearm-related crime (n=17,091 and n=13,190, respectively) followed by crimes of violence (n=14,199 and n=12,709).

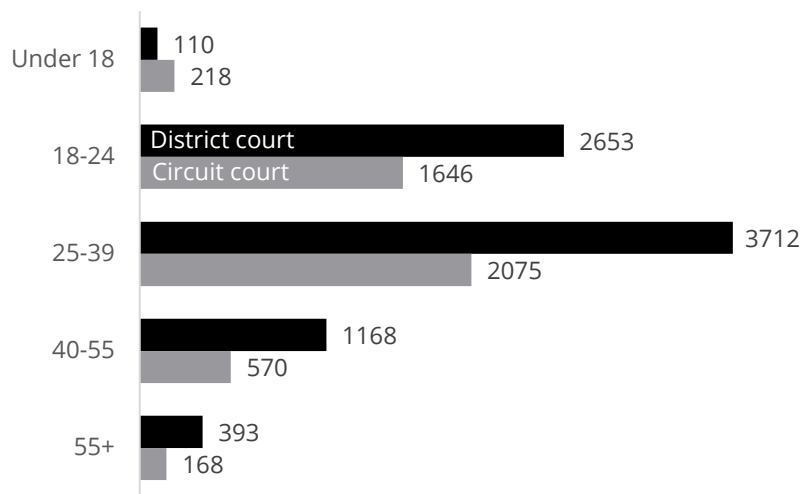
Table 6 shows disposition by firearm-crime category for district courts, the majority (66%, n= 19,625) were a forward to circuit court.

Table 7 shows disposition by firearm-crime for circuit courts. In circuit court, the majority (57%, n=13,433) of cases ended with a Nolle Prosequi.

### *Violent Crimes*

Table 8 lists charges at disposition for firearm-related crimes of violence in district and circuit courts. Assault and robbery were the most commonly charged crimes of violence in both district and circuit courts.

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



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

Source: AOC

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**Table 5: Charge at Disposition, by Court**

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transfer	Illegal Transport	Straw Purchase	Total
1 <sup>st</sup> District	1,410	37	290	33	2,536	5	80	8	0	4,399
2 <sup>nd</sup> District	2,484	49	396	52	3,216	6	101	8	1	6,313
3 <sup>rd</sup> District	3,879	38	372	67	3,188	15	78	13	0	7,650
4 <sup>th</sup> District	570	4	88	0	580	5	14	0	1	1,262
5 <sup>th</sup> District	2,902	63	398	0	3,699	16	121	0	0	7,199
6 <sup>th</sup> District	244	2	23	1	193	0	3	0	0	466
7 <sup>th</sup> District	676	30	111	6	1,000	10	29	0	0	1,862
8 <sup>th</sup> District	1,161	28	226	11	1,537	8	66	0	0	3,037
9 <sup>th</sup> District	128	6	74	0	320	6	9	0	0	543
10 <sup>th</sup> District	317	3	47	0	432	3	7	0	1	810
11 <sup>th</sup> District	643	9	84	10	702	5	26	0	0	1,479
12 <sup>th</sup> District	159	1	32	0	218	1	6	0	0	417
<b>Total</b>	<b>14,199</b>	<b>261</b>	<b>2,094</b>	<b>180</b>	<b>17,091</b>	<b>76</b>	<b>522</b>	<b>29</b>	<b>3</b>	<b>34,455</b>

	Violent Crime	Altered Firearm	Ammunition, Armor, Trigger, or Magazine Violation	Discharged Firearm	Illegal Possession	Illegal Sale	Illegal Transfer	Illegal Transport	Straw Purchase	Total
1 <sup>st</sup> Circuit	749	6	71	2	589	24	25	0	0	1,466
2 <sup>nd</sup> Circuit	291	2	48	0	275	1	8	0	0	625
3 <sup>rd</sup> Circuit	1,894	23	248	18	2,200	6	90	0	0	4,479
4 <sup>th</sup> Circuit	385	2	53	1	496	0	13	0	0	950
5 <sup>th</sup> Circuit	3,006	29	286	5	2,061	0	20	651	0	6,058
6 <sup>th</sup> Circuit	483	6	30	2	419	9	10	32	0	991
7 <sup>th</sup> Circuit	688	5	55	0	655	6	19	15	0	1,443
8 <sup>th</sup> Circuit	5,213	43	787	155	6,495	92	2	40	0	12,827
<b>Total</b>	<b>12,709</b>	<b>116</b>	<b>1,578</b>	<b>183</b>	<b>13,190</b>	<b>138</b>	<b>187</b>	<b>738</b>	<b>0</b>	<b>28,839</b>

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

Source: AOC

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

	<b>Violent Crime</b>	<b>Altered Firearm</b>	<b>Ammunition, Armor, Trigger, or Magazine Violation</b>	<b>Discharged Firearm</b>	<b>Illegal Possession</b>	<b>Illegal Sale</b>	<b>Illegal Transfer</b>	<b>Illegal Transport</b>	<b>Straw Purchase</b>	<b>Total</b>
Abate by death	36	0	4	0	31	0	2	0	0	<b>73</b>
Acquittal	24	0	1	0	6	0	0	0	0	<b>31</b>
Dismissed	154	0	7	0	88	0	3	0	0	<b>252</b>
Forwarded - Circuit Court	7,602	147	1,291	137	10,101	36	293	17	1	<b>19,625</b>
Guilty	47	0	10	0	64	1	1	0	0	<b>123</b>
Incompetent to stand trial	11	0	0	0	0	0	0	0	0	<b>11</b>
Jury trial prayed	464	27	115	8	1,130	3	48	3	0	<b>1,798</b>
Nolle Prosequi	434	10	90	4	580	8	14	0	1	<b>1,141</b>
Not criminally responsible	2	0	1	0	0	0	0	0	0	<b>3</b>
Not guilty	20	0	2	0	7	0	0	0	0	<b>29</b>
Probation before judgment	15	0	0	2	39	0	0	0	0	<b>56</b>
Stet	75	1	28	1	89	0	5	0	0	<b>199</b>
Trial	3,088	46	261	18	2,693	10	88	6	0	<b>6,210</b>
Failed to appear	26	1	4	0	25	0	0	0	0	<b>56</b>

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

Source: AOC

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

	<b>Violent Crime</b>	<b>Altered Firearm</b>	<b>Ammunition, Armor, Trigger, or Magazine Violation</b>	<b>Discharged Firearm</b>	<b>Illegal Possession</b>	<b>Illegal Sale</b>	<b>Illegal Transfer</b>	<b>Illegal Transport</b>	<b>Straw Purchase</b>	<b>Total</b>
Abate by death	90	0	9	4	90	0	0	6	0	<b>199</b>
Acquittal	101	1	5	0	37	2	0	0	0	<b>146</b>
Closed jeopardy or other conviction	1,696	32	406	67	2,508	54	1	23	0	<b>4,787</b>
Dismissed	51	1	5	0	53	0	0	7	0	<b>117</b>
Guilty	1,183	2	39	8	1,398	3	13	82	0	<b>2,728</b>
Incompetent to stand trial	23	0	1	0	19	0	0	0	0	<b>43</b>
Jury trial prayed	6	0	0	0	2	0	0	0	0	<b>8</b>
Lesser included offenses	11	0	0	0	0	0	0	0	0	<b>11</b>
Mistrial	3	0	2	0	6	0	0	2	0	<b>13</b>
No finding	1	0	0	0	2	0	0	0	0	<b>3</b>
No verdict	23	0	0	0	6	0	0	0	0	<b>29</b>
Nolle Prosequi	5,778	60	800	62	6,058	33	129	513	0	<b>13,433</b>
Not criminally responsible	8	0	0	1	2	0	0	0	0	<b>11</b>
Not guilty	301	0	21	5	184	0	1	10	0	<b>522</b>
Probation before judgment	2	0	3	1	20	0	0	0	0	<b>26</b>
Stet	62	1	3	2	87	2	1	17	0	<b>175</b>
Sub curia	521	4	62	7	470	1	0	41	0	<b>1,106</b>

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

Source: AOC

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

	District Court	Circuit Court
Arson in the first degree	4	4
Assault in the first or second degree	8,505	5,341
Attempted assault in the first or second degree	10	0
Conspiracy assault in the first or second degree	492	773
Burglary in the first, second, or third degree	308	334
Attempted burglary in the first, second, or third degree	8	11
Conspiracy burglary in the first, second, or third degree	65	101
Solicitation burglary in the first, second, or third degree	1	0
Carjacking and armed carjacking	230	275
Attempted carjacking and armed carjacking	18	41
Conspiracy carjacking and armed carjacking	42	155
Escape in the first degree	1	1
Attempted escape in the first degree	1	0
Kidnapping	36	64
Attempted kidnapping	2	13
Conspiracy kidnapping	8	29
Voluntary manslaughter	11	20
Murder in the first or second degree	331	319
Attempted murder in the first or second degree	841	851
Conspiracy murder in the first or second degree	105	164
Accessory murder in the first or second degree	7	8
Rape in the first or second degree	150	121
Attempted rape in the first or second degree	10	14
Conspiracy rape in the first or second degree	1	2
Robbery	1,005	1,388
Attempted robbery	1	75
Conspiracy robbery	195	521
Robbery with a dangerous weapon	1,165	858
Attempted robbery with a dangerous weapon	1	348
Conspiracy robbery with a dangerous weapon	263	452
Sexual offense in the first, second, or third degree	164	185
Attempted sexual offense in the first, second, or third degree	2	4
Conspiracy sexual offense in the first, second, or third degree	1	0
Home invasion	145	123
Attempted home invasion	6	11
Conspiracy home invasion	62	95
Human trafficking	2	8

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

Source: AOC

## Crime Firearms

LEAs recovered one or more firearms in 26% (n=2,132) of reported incidents and provided information about 3,026 recovered firearms. Most incidents reported only one related firearm recovery. A total of 287 (13%) incidents resulted in the recovery of more than one firearm. In one incident, an LEA recovered 38 firearms.

LEAs recovered firearms in all 24 jurisdictions. LEAs responding to incidents in Prince George’s County recovered the greatest number of firearms (n=489, 16%), followed by Baltimore City (n=428, 14%), and Anne Arundel County (n=386, 13%).

Of the 3,026 crime firearms recovered by LEAs, 86% (n=2,586) had a serial number (Figure 5). LEAs were unsure if there was a serial number for 2% (n=67) of recovered firearms. Records for half (50%) of recovered firearms did not indicate if the firearm was privately made (n=1,508). Only 3% (n=85) of recovered firearms were recorded as privately-made, while 47% (1,433) were recorded as unknown or were missing data.

Two thirds (n=2,012) of recovered firearms were handguns, followed by rifles (n=527, 17%), followed by shotguns (n=331, 11%; Figure 6).

A total of 1,064 firearms were recovered during incidents initiated by a 9-1-1 call (Figure 7).

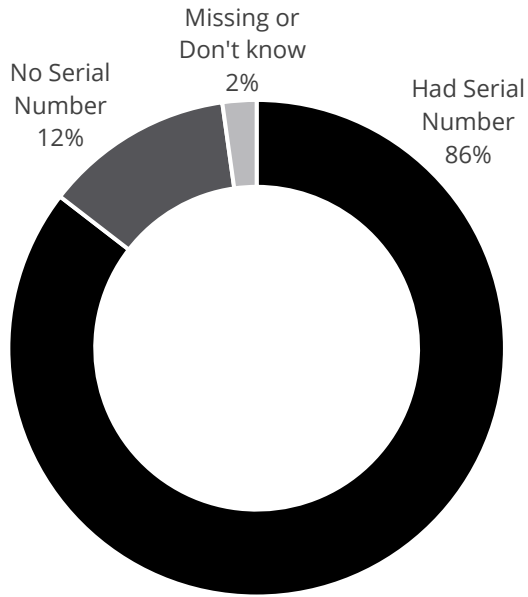
**Table 9: Recovered Firearms, by Incident Location**

Jurisdiction	Number of Firearms
Allegany	79
Anne Arundel	386
Baltimore City	428
Baltimore County	61
Calvert	81
Caroline	83
Carroll	88
Cecil	133
Charles	225
Dorchester	21
Frederick	88
Garrett	80
Harford	52
Howard	81
Kent	17
Montgomery	171
Prince George’s	489
Queen Anne’s	47
Somerset	38
St. Mary	52
Talbot	28
Washington	130
Wicomico	90
Worcester	78

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

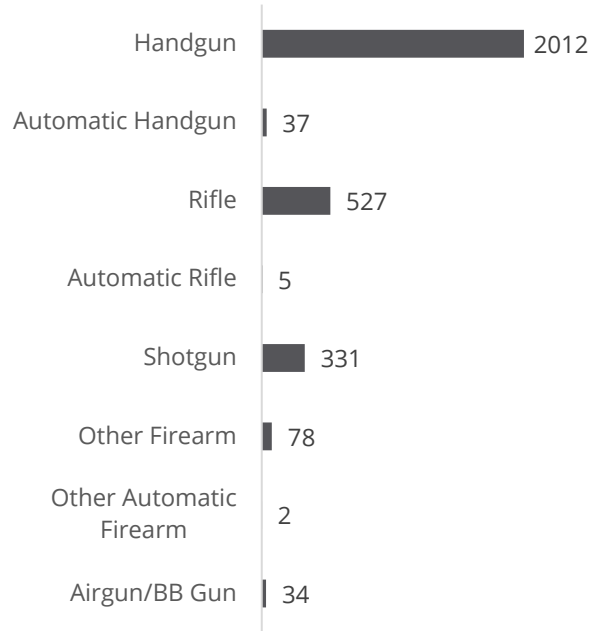
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**Figure 5: Recovered Firearms, by Serial Number Status**



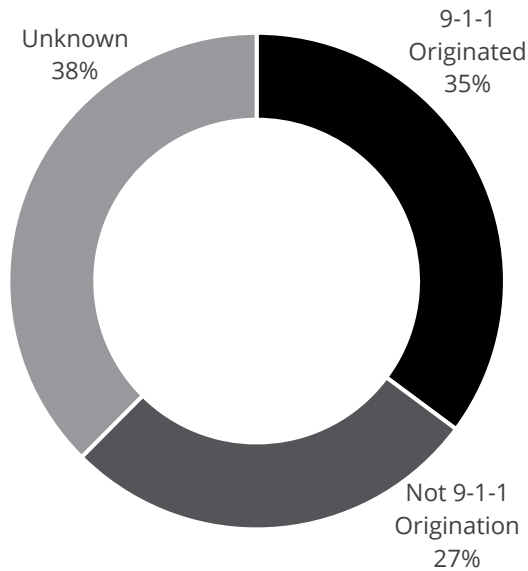
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**Figure 6: Recovered Firearm Type**



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**Figure 7: Firearm Recovery, by 9-1-1 Origination**



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## Recovery Location

LEAs provided a recovery location for recovered firearms in 60% (n=1,823; Table 10) of the firearm records. A total of 1,203 (40%) firearms did not specify a recovery location.

WYSAC used data from the ATF to supplement recovery location data provided by LEAs (Table 11 and Table 12). The ATF reports the top-ten firearm recovery cities each calendar year.

**Table 10: Firearm Recovery Location**

Jurisdiction	Number of Firearms
Not Specified	1,204
Allegany	29
Anne Arundel	296
Baltimore City	363
Baltimore County	5
Calvert	3
Caroline	20
Carroll	26
Cecil	49
Charles	170
Dorchester	6
Frederick	34
Garrett	12
Harford	18
Howard	43
Kent	1
Montgomery	126
Prince George's	387
Queen Anne's	2
Somerset	1
St. Mary	21
Talbot	13
Washington	89
Wicomico	46
Worcester	62

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**Table 11: Top-10 Maryland Firearm Recovery Cities, 2019**

City	2019
Baltimore	2,490
Pasadena	320
Hagerstown	305
Frederick	286
Silver Spring	238
Hyattsville	211
Waldorf	194
Elkton	178
Glen Burnie	172
Capitol Heights	147

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

Source: ATF

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**Table 12: Top-10 Maryland Firearm Recovery Cities, 2020**

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

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

Source: ATF

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## Origin of Crime Firearms

The OAG and WYSAC requested data about each firearm's origin, however, only 570 firearms (19%) included origin data. Both the data collected from LEAs, and data reported by ATF indicate Maryland is the origin state for most crime firearms recovered in the State. Virginia is the second most common source state.

### IN-STATE ORIGIN

Of the crime firearms recovered in Maryland with origin information, 225 (39%) originated from Maryland. Most (n=51, 23%) originated from Anne Arundel County.

LEAs identified 64 firearm dealers as retail sources for the recovered firearms. *Bass Pro Shops Outdoor World* in Gaithersburg sold the largest number of crime firearms (n=13).

Table 14 lists the top-ten locations with the most crime firearm sales.

### RESULTS OF AUDITS OF FIREARM DEALERS

WYSAC summarized the results of the MSP's audits for the top-ten Maryland retailers of recovered firearms.

#### ***Bass Pro Shops Outdoor World***

The Dealer Audit Unit completed two audits of *Bass Pro Shops Outdoor World*. The first audit, a compliance inspection on September 22, 2021, found that the dealer had a valid and properly displayed regulated firearm dealer (RFD)

**Table 13: Jurisdiction of Sale for In-State Originated Recovered Firearms**

Jurisdiction	Number of Firearms
Not Specified	22
Allegany	0
Anne Arundel	51
Baltimore City	20
Baltimore County	11
Calvert	1
Caroline	0
Carroll	5
Cecil	4
Charles	22
Dorchester	0
Frederick	7
Garrett	7
Harford	4
Howard	14
Kent	2
Montgomery	20
Prince George's	19
Queen Anne's	0
Somerset	0
St. Mary	6
Talbot	4
Washington	2
Wicomico	4
Worcester	0

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**Table 14: Top-Ten Maryland Retailers of Recovered Firearms**

Store Name	Number of Handguns	Number of Rifles	Number of Shotguns	Total Number of Firearms
Bass Pro Shop Outdoor World	6	5	2	13
Fred's Outdoors	2	4	3	9
Realco Guns, Inc	4		5	9
United Guns	7	1		8
On Target Inc	5		1	6
Worth a Shot	4	1		5
Atlantic Guns	4			4
Clyde's Sport Shop Inc	2	1	1	4
Fort Meade Exchange	3	1		4
Maryland Small Arms Range Inc	4			4

Note: Of recovered firearms with origin information.

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license, federal firearms license (FFL), trader's license, and a Maryland tax license. At the time of inspection, the dealer had 35 regulated firearms (RFs), all were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

The Dealer Audit Unit conducted a second audit, a targeted audit on January 13, 2022, after the dealer transferred a handgun prior to the seven-day mandatory waiting period. At the time of the audit, the employee who transferred the firearm was no longer employed by the dealer, and the manager who oversaw the transaction had been removed from the department. The auditor determined the improper transfer was an isolated incident. The audit was satisfactory, with no further action recommended.

### ***Fred's Outdoors***

The Dealer Audit Unit conducted a compliance audit and a targeted audit of *Fred's Outdoors* on March 2, 2022. The compliance inspection found that the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 10 RFs, all were properly logged in inventory and secondary-sale applications were complete and correct. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

The Dealer Audit conducted a targeted inspection due to the high number of expired applications. The audit found eight expired (pending for more than 90 days) firearm

applications. The dealer had not transferred any of the firearms. The Dealer Audit Unit provided technical assistance and the dealer canceled the expired applications.

### ***Realco Guns, Inc.***

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

### ***United Gun Shop***

The Dealer Audit Unit conducted a compliance inspection of *United Gun Shop* on March 29, 2022. The compliance inspection found the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 10 RFs, all were properly logged in inventory. The auditor found no issues in the inventory, recorded transfers, secondary-sale applications, or law enforcement applications. However, the auditor found the dealer had incorrectly recorded six applications as "estate sale" applications rather than "dealer sale" applications. The dealer corrected the applications during the inspection. The audit was satisfactory, with no further action recommended.

### ***On Target, Inc.***

The Dealer Audit Unit conducted a compliance inspection of *On Target, Inc.* on April 20, 2021. The compliance inspection showed the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 29 RFs, all of which were properly logged in inventory. The auditor found no issues in the inventory or recorded transfers. The audit was satisfactory, with no further action recommended.

### ***Worth-A-Shot***

The Dealer Audit Unit conducted a compliance inspection, and a targeted audit of *Worth-A-Shot* on March 10, 2022. The compliance inspection found the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 10 RFs, all of which were properly logged in inventory. The auditor found no issues in the inventory, recorded transfers, or law enforcement applications. The audit found one transaction with an incorrect serial number recorded in the acquisition and disposition book, however, the serial number was correctly recorded on the application. The audit was satisfactory, with no further action recommended.

The Dealer Audit Unit conducted a targeted inspection due to the high number of expired applications. The targeted inspection found one expired application. The dealer had not transferred the firearm. The Dealer Audit Unit provided technical assistance and the dealer canceled the expired application.

### ***Atlantic Guns***

The Dealer Audit Unit conducted a compliance inspection of *Atlantic Guns* on March 29, 2022. The compliance inspection found the dealer had a valid and properly displayed RFD license, FFL, trader's license, and a Maryland tax license. At the time of inspection, the dealer had 5 RFs, all of which were properly logged in inventory. The auditor found no issues in the inventory, recorded transfers, or transactions. The audit was satisfactory, with no further action recommended.

### ***Clyde's Sport Shop***

The Dealer Audit Unit conducted a targeted inspection of *Clyde's Sport Shop* on June 13, 2022, based on information that indicated the dealer was incorrectly processing secondary sales. The audit found eight pending seven-day applications, three of which contained discrepancies (two with incorrect firearm information and one with an incorrect serial number). In addition, the audit found the dealer incorrectly submitted one secondary sale application and omitted firearm information on required paperwork. The dealer canceled the pending applications, and the auditor advised the dealer to fill out paperwork completely.

### ***Army Air Force Exchange (Ft. Meade)***

The Dealer Audit Unit conducted a compliance inspection of the *Army Air Force Exchange* on January 28, 2022. The inspection found the dealer had a valid and properly displayed RFD license and FFL. The auditor did not provide information about the dealer's trader's license, Maryland tax license, or the number of RFs in the dealer's inventory. The auditor found no issues with pending applications or transactions. The audit was satisfactory, with no further action recommended.

### ***Maryland Small Arms***

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

## OUT OF STATE ORIGIN

LEAs reported 345 recovered firearms with an out-of-state origin. Table 15 lists the top-ten states of origin reported by LEAs during the reporting period. Table 16 lists the ATF’s top-ten states-of-origin for calendar year 2019 and Table 17 lists the ATF’s top-ten states-of-origin for calendar year 2020.

**Table 15: Top-Ten States of Origin of Recovered Firearms with Out-of-State Origin**

State	Number of Firearms
Virginia	86
Pennsylvania	38
Georgia	26
Delaware	20
West Virginia	20
North Carolina	19
Florida	15
South Carolina	15
Alabama	10
Arizona	8

Note: Of recovered firearms with origin information.

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**Table 16: Top-Ten States of Origin of Recovered Firearms, 2019**

State	2019
Virginia	1,054
Pennsylvania	380
North Carolina	262
Georgia	253
West Virginia	247
South Carolina	149
Florida	139
Delaware	125
Texas	110
Ohio	109

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

Source: ATF

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**Table 17: Top-Ten States of Origin of Recovered Firearms, 2020**

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

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

Source: ATF

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## *Other State's Firearm Laws*

As shown in Table 15, the ten states where the most crime firearms recovered in Maryland originated, in descending order, are: (1) Virginia; (2) Pennsylvania; (3) Georgia; (4) Delaware; (5) West Virginia; (6) North Carolina; (7) Florida; (8) South Carolina; (9) Alabama; and (10) Arizona. Since last year's report, Alabama and Arizona have replaced Ohio and Texas in the top ten. What follows is a summary of major changes to those states' laws regarding licensing, background checks, waiting periods, straw purchases, and concealed carry since 2021's report, followed by a brief comparison of the laws in those states in those five areas.<sup>4</sup> Each section begins with a short summary of Maryland law – and, as necessary, federal law – to put these laws in perspective.

### *Significant Changes Since 2021*

Since last year's report, the Maryland General Assembly and the United States Congress have enacted new firearm legislation. At its 2022 session, the General Assembly passed House Bill 425 and Senate Bill 387, regulating untraceable firearms (more commonly known as “ghost guns”); those bills became law without the Governor's signature. 2022 Md. Laws, ch. 18, 19. Additionally, House Bill 1021 imposed new security requirements on licensed firearms dealers. 2022 Md. Laws, ch. 55.

Meanwhile, the United States Congress passed and President Biden signed the Bipartisan Safer Communities Act. Pub. L. No. 117-159, 136 Stat. 1313 (2022) (“Safer Communities Act”). The Safer Communities Act made various changes to federal law including, as relevant here, a new federal prohibition on straw purchases. *Id.* § 12004, 136 Stat. at 1326.

Of the ten states listed above, only Delaware has increased its regulation of firearms in any of the five areas covered by this study since last year's report. Specifically, Delaware will soon become a “point of contact” state for federally required firearms background checks. This change means that Delaware law enforcement will perform background checks itself rather than delegating that function to the FBI, and may search additional databases beyond the FBI's background check system to determine whether a prospective purchaser is prohibited from owning a firearm. 2022 Del. Laws, ch. 330.

In contrast, Georgia repealed its permit requirement for concealed carry in 2022 (as did Alabama, one of the new additions to this year's top ten list), allowing most adults who lack criminal records and who are U.S. citizens or permanent residents to carry firearms in the state without a permit. 2022 Ala. Laws 133; 2022 Ga. Laws 596.

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<sup>4</sup> 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. 7, 2022).

Federal constitutional law has also changed since last year's report. In *New York State Rifle & Pistol Ass'n v. Bruen*, the Supreme Court invalidated a New York law that required a prospective firearm purchaser to show an individualized need for self-defense greater than that of the community at large. 142 S. Ct. 2111, 2122 (2022). After *Bruen*, the Court of Special Appeals held a similar provision of Maryland law unconstitutional. *In re Rounds*, 255 Md. App. 205, 211-13 (2022).

## *Licensing*

### **Maryland**

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

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

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

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 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).

### ***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”).<sup>5</sup> 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.

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<sup>5</sup> 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. 7, 2022).

## 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. § 14-404.

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

Delaware, which is currently not a point-of-contact state, enacted legislation in 2022 that will make it a point-of-contact state by June 30, 2023. 2022 Del. Laws, ch. 330, §§ 1, 8. The new law will require dealers to submit requests for background checks to the State Bureau of Identification of the Delaware State Police, which will then transmit a request for a background check to the NICS system and also “search other available databases” to determine if the requesting individual is a prohibited purchaser. Del. Code Ann. tit. 11, § 8572.<sup>6</sup>

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<sup>6</sup> 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

Five of the states surveyed—Alabama, Arizona, Georgia, West Virginia, and South Carolina—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 Alabama 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; Ala. Code § 41-9-649. The remaining three states have no state law requiring licensed firearms dealers to initiate background checks prior to transferring a firearm, thus relying solely on federal law.<sup>7</sup>

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 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,

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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.*

<sup>7</sup> 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). Five of the states surveyed—Arizona, Georgia, North Carolina, South Carolina, and West Virginia—issue Brady permits. Maryland does not.

background checks are not required when the firearm is a long gun. N.C. Gen. Stat. Ann. § 14-402.

Six of the states surveyed—Alabama, Arizona, Florida, Georgia, South Carolina, 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). Five of the states surveyed—Virginia, Delaware, Pennsylvania, Florida, 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—or, once the state’s new legislation becomes effective, the State Police—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. In all other cases, Pennsylvania law allows ten days for completion of the background check. *Id.* § 6111(b)(1.1)(iii). Florida’s mandatory waiting period for the delivery of a firearm, discussed further below, ends after three days or upon completion of a background check, whichever is *later*. Fla. Stat. Ann. § 790.0655. 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).

## ***Waiting Periods***

### **Maryland**

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

### **Other states**

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

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

## ***Straw Purchases***

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

The federal Safer Communities Act, enacted in 2022, added a new prohibition on straw purchases. The new statute makes it a federal crime to knowingly purchase, or conspire to purchase, a firearm for another person, “knowing or having reasonable cause to believe” that the other person is prohibited from purchasing a firearm under federal law, intends to use the firearm in furtherance of a felony, terrorism, or drug trafficking, or intends to sell or dispose of the firearm to a prohibited person. Pub. L. No. 117-159, § 12004, 136 Stat. at 1327 (to be codified at 18 U.S.C. § 932).

## Maryland

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

## Other states

Six of the states surveyed—Virginia, Florida, Delaware, North Carolina, Pennsylvania, and Alabama—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 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).<sup>8</sup> Finally, in Alabama, a person who “provides to a licensed dealer or a private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of the transfer” is guilty of a felony. Ala. Code § 13A-11-58.1(c).

Six of the states surveyed—Delaware, Virginia, Georgia, North Carolina, Florida, and Alabama—have laws that target the “straw purchaser.” The laws in these states primarily differ

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<sup>8</sup> 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).

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, Alabama law provides that a person who knowingly “solicits, persuades, encourages, or entices a licensed dealer or private seller” to transfer a firearm or ammunition, under circumstances which the person knows would violate state or federal law, commits a felony. Ala. Code § 13A-11-58.1(b).

Two of the states surveyed—Virginia and West Virginia—have laws that target the “actual buyer,” that is, the prohibited person who receives the firearm. 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).

Arizona prohibits “trafficking” in weapons in service to the interests of a “criminal street gang, a criminal syndicate or a racketeering enterprise,” Ariz. Rev. Stat. § 13-3102(a)(16), but has no law generally regulating straw purchases.

South Carolina has no state laws to address straw purchases.

## *Concealed Carry*

### **Maryland**

Maryland requires a person to have a permit “before the person carries, wears, or transports a handgun.” PS § 5-303. The Secretary of the Maryland State Police “shall issue a permit within a reasonable time” to a person who the Secretary finds meets the statutory criteria. PS § 5-306(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.” PS § 5-306(a)(6)(i). The statute also requires the Secretary to find that the applicant “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)(ii). However, the Court of Special Appeals has held the “good and substantial reason” requirement unconstitutional under the United States Supreme Court’s 2022 decision invalidating a similar provision of New York law. *In re Rounds*, 255 Md. App. at 211-13 (citing *Bruen*, 142 S. Ct. 2111).

For applicants under the age of 30 years, the Secretary must also find that the applicant has not been committed for juvenile detention for longer than a year or been adjudicated delinquent for an act that would be a crime of violence or carry certain penalties if committed by an adult. PS § 5-306(c). If a permit is issued, that permit must be carried “whenever the person carries, wears, or transports a handgun.” PS § 5-308.

### **Other states**

Four of the states surveyed—Alabama, Arizona, Georgia, and West Virginia—allow people to carry a concealed weapon in public without a license or permit. In Arizona, anyone 21 or over who is not subject to certain criminal or court-imposed disabilities, and who is a U.S. citizen or legal resident, may carry a firearm without a permit, although they must truthfully answer if asked by a law enforcement officer whether they are carrying a concealed weapon. *See* Ariz. Rev. Stat. § 13-3102(A)(1)(b); *see also id.* § 13-3101(A)(7) (defining “prohibited possessor”). 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).

Alabama and Georgia both abolished their concealed-carry permit requirements in 2022. The change has already taken effect in Georgia and will take effect January 1, 2023, in Alabama. 2022 Ala. Laws 133, § 12; 2022 Ga. Laws 596. Under Alabama’s new law, anyone aged 18 or over, who is not prohibited from carrying a firearm by state or federal law, may carry a firearm without a permit. 2022 Ala. Laws 133, § 1 (amending Ala. Code § 13A-11-85); Ala. Code § 13A-11-72 (specifying classes of persons who may not have a firearm). Similarly, Georgia allows any “lawful weapons carrier” (defined as any person who is either licensed or merely eligible for a license in Georgia, or licensed in any other state, and not otherwise prohibited by law) to carry a firearm. 2022 Ga. Laws 596, §§ 4-5 (amending Ga. Code Ann. §§ 16-11-125.1(2.1), 16-11-126).<sup>9</sup>

The states that do require a license or permit to carry a concealed weapon in public vary in terms of the qualifications they set, and the level of discretion authorities have when determining whether an applicant meets the qualifications. Notably, Delaware requires good character as a qualification for receiving a concealed carry permit.<sup>10</sup> In Delaware, an applicant must file a certificate from five “respectable citizens” of the county stating that the applicant is of good moral character, has a reputation for peace and good order, and that possession of a concealed deadly weapon is necessary for the protection of the applicant or the applicant’s property. Del. Code Ann. tit. 11, § 1441(a)(2). That qualification—and the others set forth in state law—must be “strictly complied with” before an applicant “may be licensed.” *Id.* § 1441(a). Indeed, the statute provides that “[t]he Court may or may not, in its discretion, approve any application.” *Id.* § 1441(d). The Supreme Court in *Bruen*, however, did not call Delaware’s permitting regime into question, listing it among the “shall issue” states on the ground that it rarely denies permits in practice. 142 S. Ct. at 2123 n.1.

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

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<sup>9</sup> All four of the states that do not require a concealed-carry license nonetheless issue such licenses, presumably because having a license may be relevant to the license holder if another state offers reciprocity. All four states are “shall issue” jurisdictions and, although the exact prerequisites vary slightly, all four generally impose an age requirement, a citizenship or legal residency requirement, and a requirement that the person not have certain criminal convictions or pending charges, and not have certain mental health and/or substance abuse issues. See Ala. Code § 13A-11-75; Ariz. Rev. Stat. § 13-3112; Ga. Code Ann. § 16-11-129; W. Va. Code Ann. § 61-7-4a. As discussed further below, Arizona and West Virginia also require firearms safety training as a prerequisite for a permit, but not for permitless carry. Alabama also authorizes a sheriff to deny a permit to an individual who has “[c]aused or causes justifiable concern for public safety.” Ala. Code § 13A-11-75(c)(11).

<sup>10</sup> Delaware also requires good cause, that is, an applicant must submit a statement that the applicant desires to carry a concealed deadly weapon “for personal protection or protection of the person’s property, or both,” and submit to a criminal background check. Del. Code Ann. tit. 11, § 1441(a)(1). Again, the *Bruen* Court did not question this aspect of Delaware law. 142 S. Ct. at 2123 n.1.

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.

Five of the states surveyed—Virginia, Florida, North Carolina, South Carolina, and Delaware—require firearm safety training in order to receive a concealed carry permit. Two additional states—Arizona 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.*

South Carolina requires “proof of training” to receive a concealed weapons permit, S.C. Code Ann. § 23-31-215, requiring an applicant to have, “within three years of filing an application, completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety.” S.C. Code Ann. § 23-31-210. The course must include: (i) information on the statutory and case law of the state relating to handguns and to the use of deadly force; (ii) information on handgun use and safety; (iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; (iv) the actual firing of the handgun in the presence of the instructor, provided that a minimum of twenty five rounds must be fired; (v) properly securing a firearm in a holster; (vi) “cocked and locked” carrying of a firearm; (vii) how to respond to a person who attempts to take your

firearm from your holster; and (viii) de-escalation techniques and strategies. *Id.* Certain individuals who have completed military basic training and retired law enforcement officers must only provide proof of training on the first element, that is, on the statutory and case law of the state relating to handguns and to the use of deadly force, while other individuals, such as active military and handgun instructors, need only provide documentation of that status to satisfy the requirement. *Id.*

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

To qualify for an optional concealed-carry permit under Arizona law, an applicant must “demonstrate competence with a firearm” by taking a course in one of a variety of settings, or through military service; the contents of the course are not specified, and Arizona will accept a permit from another state in satisfaction of the training requirement, as long as the other state also imposes a training requirement. Ariz. Rev. Stat. § 13-3112(N). Similarly, to obtain an optional West Virginia permit, an applicant must 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(e).

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

**Table 18: Comparison of State Firearm Laws**

	Licensing		Background Checks		Waiting Periods		Straw Purchases				Concealed Carry			
	To Own	To Buy	Point of Contact	Private Sellers	Express Period	Extend Checks	False Info	Straw Purchase <sup>1</sup>	Actual Buyer	Initial Seller	Permit Required	Character	Evaluate Danger	Safety Training
<b>MD</b>		✓	Partial	✓	✓		✓	✓	✓	✓	✓		✓	✓
<b>VA</b>			✓	✓		✓	✓	✓	✓	✓	✓		✓	✓
<b>PA</b>			✓	✓		✓	✓		✓	✓	✓		✓	
<b>GA</b>								✓						
<b>DE</b>			✓ <sup>2</sup>	✓		✓	✓	✓			✓	✓		✓
<b>WV</b>									✓					✓ <sup>3</sup>
<b>NC</b>		✓	Partial	✓		✓	✓	✓			✓			✓
<b>FL</b>			✓		✓	✓	✓	✓			✓			✓
<b>SC</b>											✓		✓ <sup>3</sup>	✓
<b>AL</b>							✓	✓			4		✓	
<b>AZ</b>														✓ <sup>3</sup>

Note: A grey cell indicates a change in law since 2021.

<sup>1</sup>All states covered by new straw purchase prohibition in federal Bipartisan Safer Communities Act

<sup>2</sup>Effective no later than June 30, 2023

<sup>3</sup>Applies only to persons who choose to obtain an optional concealed-carry permit

<sup>4</sup>Effective January 1, 2023

Source: MD OAG

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## Time-to-Crime

In 2019, the average time-to-crime for traced firearms in Maryland was 11.4 years (compared to the national average, 8.3 years).<sup>ix</sup> In 2020, the average time-to-crime was 10.0 years (compared to the national average, 7.0 years).<sup>x</sup> A time-to-crime of less than three years is considered a potential indicator of trafficking.<sup>xi</sup>

**Table 19: Time-To-Crime in Maryland, 2019 & 2020**

	Under 3 Months	3 Months to Under 7 Months	7 Months to Under 1 Year	1 Year to Under 2 Years	2 Years to Under 3 Years	3 Years and Over
2019	237	230	280	574	556	4,600
2020	436	415	302	552	485	4,068
<b>Total</b>	<b>673</b>	<b>645</b>	<b>582</b>	<b>1,126</b>	<b>1,041</b>	<b>8,668</b>

Note: ATF data are provided by calendar year.

Source: ATF

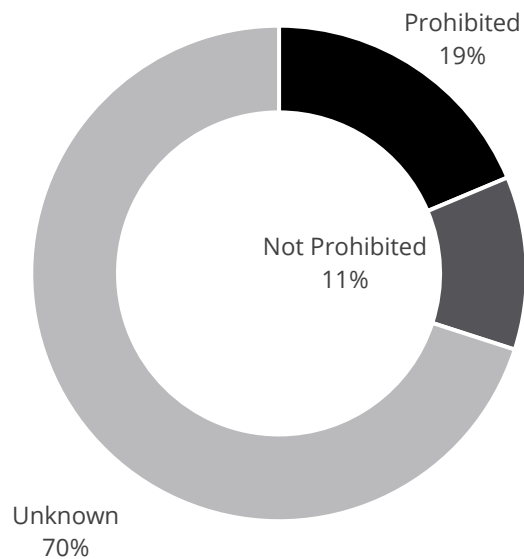
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## Persons Prohibited from Possessing a Firearm

The OAG and WYSAC asked the LEAs to indicate whether individuals found in possession of crime firearms were previously disqualified from possessing a firearm.

Around 19% (n=565) of the firearms recovered were possessed by a disqualified person. The remaining 81% were either not possessed by a disqualified person (n=342, 11%), or the possessors disqualification status was either unknown or missing (n=2,119, 70%).

**Figure 8: Firearm Recovery, by Prohibited Status**



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# Recommendations and Conclusions

- WYSAC recommends using criminal history records information (CHRI) from Maryland Department of Public Safety's Criminal Justice Information Systems (CJIS). CHRI can provide linked arrest, charging, disposition, and offender information.
- WYSAC recommends requesting or requiring that LEAs collect crime firearm trace data. ATF trace data captures information from manufacturer through distribution to the first retail purchase. All LEAs can request trace data from the ATF with free *eTrace* software or by fax.

# Appendix A: Law Enforcement Agencies

## *Non-Responsive LEAs*

1. Baltimore City School Police
2. Baltimore Environmental Police
3. Brentwood Police Department
4. Cottage City Police Department
5. District Heights Police Department
6. Edmonston Police Department
7. Landover Hills Police Department
8. Morgan State University Police Department
9. Rising Sun Police Department

## *Responding Agencies*

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

50. Glenarden Police Department
51. Greenbelt Police Department
52. Greensboro Police Department
53. Hagerstown Community College
54. Hagerstown Police Department
55. Hampstead Police Department
56. Hancock Police Department
57. Harford County Sheriff's Office
58. Havre de Grace Police Department
59. Howard County Police Department
60. Howard County Sheriff's Office
61. Hurlock Police Department
62. Hyattsville Police Department
63. Kent County Sheriff's Office
64. La Plata Police Department
65. Laurel Police Department
66. Manchester Police Department
67. Maryland Capitol Police Department
68. Maryland Natural Resources Police
69. Maryland State Police
70. Maryland Transit Administration
71. Maryland Transportation Auth. Police
72. Maryland-National Capital Park Police  
- Montgomery County Division
73. Maryland-National Capital Park Police  
- Prince George's County Division
74. Montgomery Co. Fire & Explosives Inv.  
Sect.
75. Montgomery County Police  
Department
76. Montgomery County Sheriff's Office
77. Morningside Police Department
78. Mount Airy Police Department
79. Mount Rainier Police Department
80. New Carrollton Police Department
81. North East Police Department
82. Oakland Police Department
83. Ocean City Police Department
84. Ocean Pines Police Department
85. Oxford Police Department
86. Perryville Police Department
87. Pocomoke City Police Department
88. Prince George's County Community  
College Department of Public Safety
89. Prince George's County Police  
Department
90. Prince George's County Sheriff's Office
91. Princess Anne Police Department
92. Queen Anne's County Sheriff's Office
93. Ridgely Police Department
94. Riverdale Park Police
95. Rock Hall Police Department
96. Rockville City Police Department
97. Saint Mary's County Sheriff's Office
98. Saint Michael's Police Department
99. Salisbury City Police Department
100. Salisbury University Police Department
101. Seat Pleasant Police Department
102. Smithsburg Police Department
103. Snow Hill Police Department
104. Somerset County Sheriff's Office
105. Sykesville Police Department
106. Takoma Park Police Department
107. Talbot County Sheriff's Office
108. Taneytown Police Department
109. Thurmont Police Department
110. Towson University Police Department
111. University of MD Baltimore County  
Police Department
112. University of MD Baltimore Police  
Department
113. University of MD College Park Police
114. University of MD Eastern Shore  
Department of Public Safety
115. University Park Police Department
116. Upper Marlboro Police Department
117. Washington County Sheriff's Office
118. Washington Metropolitan Area Transit  
Authority
119. Washington Suburban Sanitary  
Commission
120. Westminster Police Department
121. Wicomico County Sheriff's Office
122. Worcester County Sheriff's Office



## *Excluded Agencies*

1. Allegany County Bureau of Police
2. Annapolis Fire/Explosive Investigation Unit
3. Anne Arundel County Fire/Explosive Investigator
4. Anne Arundel Community College Justice Institute
5. Anne Arundel County Police Academy
6. Baltimore City Police Academy
7. Baltimore City Sheriff's Office
8. Baltimore County Police Academy
9. Baltimore County Sheriff's Office
10. Community College of Baltimore County
11. Comptroller of Maryland
12. Department of General Services
13. Department of Health and Mental Hygiene (DHMH) - Clifton T. Perkins Hospital Center
14. DHMH - Eastern Shore Hospital Center
15. DHMH - Holly Center
16. DHMH - Potomac Center
17. DHMH - Spring Grove Hospital Center
18. DHMH - Springfield Hospital Center
19. DHMH - Thomas B. Finan Center
20. Division of Rehabilitation Services Police
21. Division of Probation and Parole
22. Dorchester States Attorney's Office
23. Eastern Shore Criminal Justice Academy
24. Frederick City Police Academy
25. Frederick County Sheriff's Academy
26. Garrett County State's Attorney
27. Hagerstown City Fire Marshal
28. Harford County Sheriff's Academy
29. Howard County Police Academy
30. Lonaconing Police Department
31. Luke Police Department
32. Maryland Alcohol and Tobacco Commission Field Enforcement Division
33. Maryland Comptroller Field Enforcement
34. Maryland Department of Labor, Licensing & Regulations
35. Maryland Motor Vehicle Administration
36. Maryland Natural Resources Police Academy
37. Maryland State Fire Marshal
38. Maryland State Forest & Park Service
39. Maryland State Police Academy
40. Maryland Transportation Authority Academy
41. Maryland Wildlife and Heritage Service
42. Maryland-National Capital Park and Planning Commission
43. Maryland Department of Public Safety and Correctional Services Intelligence Investigative Division
44. MD Police & Correctional Training Commission PELT Academy
45. Montgomery County Police Academy
46. Port Deposit Police Department
47. Prince George's Co. Fire Investigator
48. Prince George's County Police Academy
49. Prince George's County Public Schools
50. Prince George's County State's Attorney
51. Prince George's Municipal Police Academy
52. Saint Mary's College of Maryland
53. Trappe Police Department
54. University of Baltimore Police Department
55. University of Maryland Police Academy
56. Worcester County Fire/Explosive Investigator
57. Worcester County State's Attorney

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