



Memorandum Report 2022-13

FIREARMS: AVAILABILITY, DATA, AND LEGAL AUTHORITY IN MONTGOMERY COUNTY, MD

November 1, 2022

This Office of Legislative Oversight (OLO) report responds to the Council's request for information (1) on the availability, use, and impact of guns in Montgomery County and the State of Maryland, (2) on the County's ability to enact laws regarding firearms, and (3) potential options for local legislation that could reduce gun violence in the County.

LEGAL AUTHORITY & AVAILABILITY

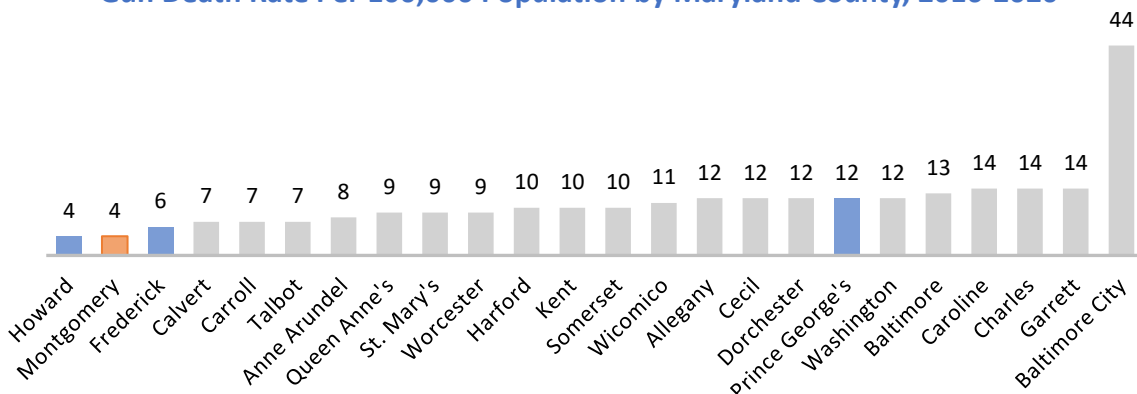
Gun violence in Montgomery County is a function of federal and state laws, firearm availability, and gun trafficking. Specifically,

- Federal and State law extensively regulate the manufacture, sale, purchase, possession, carrying, use, and storage of firearms.
- Maryland state law expressly limits local jurisdictions' authority to regulate firearms.
- Most gun-related violence in the County occurs with firearms illegally possessed by the user.
- The strength of Maryland's firearm laws and the ability of the County to reduce gun violence is impacted by the strength of neighboring state laws and gun trafficking. Trafficking is the movement of guns from legal to illegal streams of commerce and a primary way that people illegally acquire guns.

MONTGOMERY COUNTY FIREARM DEATHS

The number of gun deaths and the gun death rate in Montgomery County are lower compared to other Maryland counties and Baltimore City. The number of gun deaths in the County totaled 5% of the total gun deaths in Maryland between 2016 and 2020. The chart below shows that from 2016-2020, Montgomery County's gun death rate was 4 deaths per 100,000 people, the second lowest in the state. The highlighted counties are Montgomery County and its neighbors.

Gun Death Rate Per 100,000 Population by Maryland County, 2016-2020

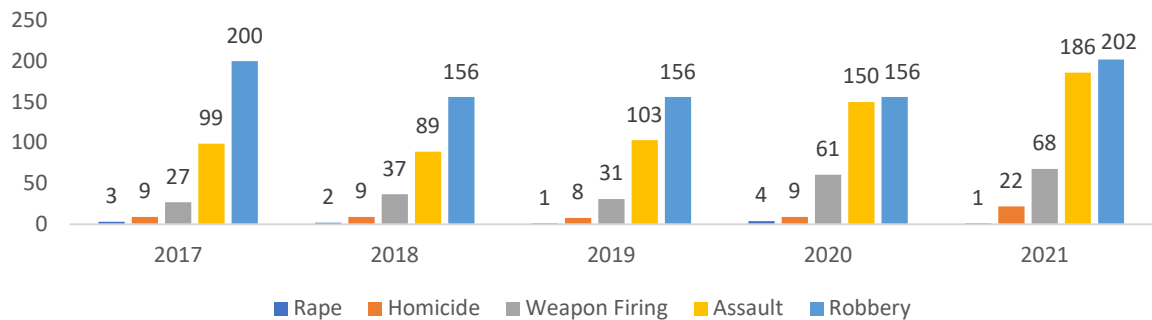


COUNTY FIREARM OFFENSES AND RECOVERED FIREARMS DATA

Firearm Related Offenses. Montgomery County Police Department (MCPD) firearm offense data for 2017-2021 show that:

- Robberies and assaults comprised 80-90% of firearms crimes each year.
- Robberies decreased from 2017 to 2018 and increased in 2021 back to 2017 levels.
- Homicides made up 3% of firearms crimes in 2017-2019, 2% in 2020, and 5% in 2021.

Firearm-Related Offenses, 2017-2021

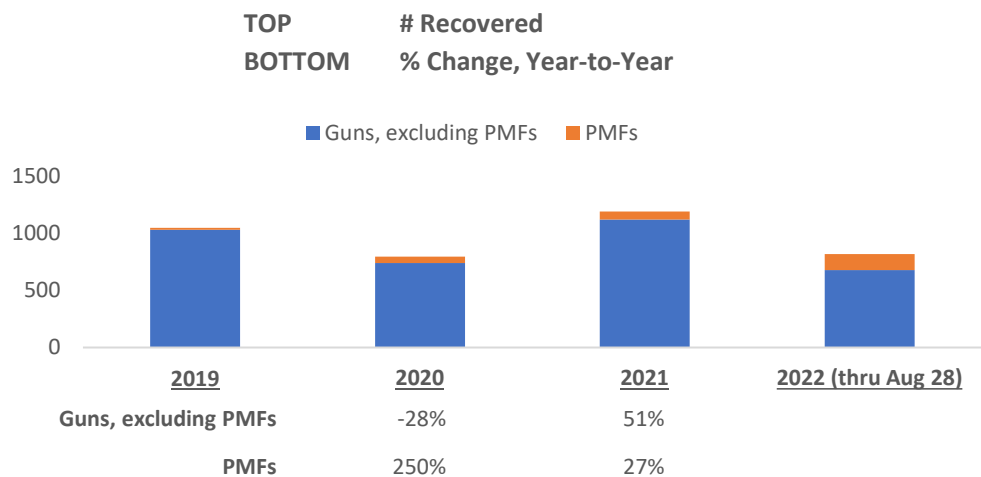


Source: MCPD data

Firearms Recovered. MCPD firearm recovery data for 2019-2022 (thru Aug. 28) show that:

- MCPD has recovered 818 firearms in 2022 through August 28th.
- In 2019, privately made firearms (PMFs, aka “ghost guns”) were 2% of recovered guns
- In 2022, PMFs were 17% of guns recovered through August 28
- MCPD recovered the highest number of PMFs in Silver Spring, Wheaton, and Montgomery Village.

Firearms Recovered by MCPD, 2019-2022 (thru Aug. 28)



Source: “Violent and Non-Violent Crime Comparison,” MCPD (Aug. 4, 2022); OLO Stakeholder interviews

NEXT STEPS

Hospital-Based Violence Intervention Programs (HVIP): Victims of interpersonal violence, including gun injuries, are at risk for re-injury and engaging in retaliatory violence. Representatives from Suburban Hospital in Bethesda, the County's regional trauma center, report that since 2016, the number of patients with gunshot wounds and the number of gunshot wounds per patient have increased. HVIPs offer services to shooting victims and families at the hospital and community-based services after discharge, with the goal of preventing re-injury. Services include culturally appropriate mental health counseling, victims of crime assistance, employment, housing, and education supports.

Data Analysis & Coordination: Data is essential to understanding the sources and magnitude of gun violence and implementing anti-gun violence community programs. Next steps include continuing routine Council updates on current firearm data initiatives, discussing MCPD technology and staffing needs related to crime analysis, and exploring additional opportunities to conduct strategic data analysis on firearm violence and trends.

Future Studies: During OLO stakeholder interviews, policy experts identified future research ideas including (1) analysis of the time required to receive requested County services (e.g., housing, employment assistance, mental health counseling), particularly in neighborhoods where gun violence is most prevalent and (2) enforcement and impact of firearm relinquishment orders. The projects identified were outside the scope of this OLO report.

Questions? Comments?

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Firearms: Availability, Data, and Legal Authority in Montgomery County, MD

The root and source of gun violence in the United States are tangled, intertwined, and complicated. At a broad level, “gun violence includes homicide, violent crime, attempted suicide, suicide, and unintentional death and injury.”¹ Gun violence is a federal, state, and local issue, with government and non-government entities working at every level to implement policies and programs. This Office of Legislative Oversight (OLO) report responds to the Council’s request for information on: (1) the availability, use, and impact of guns in Montgomery County and the State of Maryland; (2) the County’s ability to enact laws regarding firearms; and (3) potential options for local legislation that could reduce gun violence in the County. In preparing this report, OLO observed that gun violence experienced in Montgomery County is a function of state and federal laws, firearm availability, and gun trafficking. Specifically:

- Federal and State law extensively regulate the manufacture, sale, purchase, possession, use, and storage of firearms
- Maryland state law, however, expressly limits local jurisdictions’ authority to regulate firearms.
- Most gun-related violence in the County is due to firearms illegally possessed by the user.
- The strength of Maryland’s firearm laws and the ability of the County to reduce gun violence is impacted by the strength of neighboring state laws and gun trafficking.

This OLO report is organized as follows:

- **Section I** provides a brief overview of relevant terminology used in this report.
- **Section II** summarizes national, state and local data on guns and gun violence.
- **Section III** highlights federal, State of Maryland, and Montgomery County laws that govern the buying, selling, possession, and carrying of firearms in Maryland, with primary focus on three types of guns purchased by civilians: handguns, rifles, and shotguns.
- **Section IV** describes how variances in state laws impact the oversight function of local and state law enforcement and ability to collect crime gun data and trends.
- **Section V** identifies two core policy opportunities related to gun trafficking– Community-Focused Efforts to Reduce Gun Violence and Data Analysis and Coordination.

This report concludes with report acknowledgments and agency comments.

¹ [“Prevention of Gun Violence,”](#) American Academy of Family Physicians (2018).

I. Definitions

Federal law defines a firearm as any weapon “which will or is designed to or may readily be converted to expel a projectile by the action of an explosive....”² In the conventional context of guns, the two primary types of projectiles expelled from guns are called “bullets” and “shot.”

- **Bullet** – a projectile typically made of metal that is expelled from a gun when shot and contained in a bullet cartridge when loaded into a gun. A typical bullet cartridge contains a metal cartridge case, primer, power, and a bullet.
- **Shot** – small, typically metal, pellet-like projectiles contained in a cylindrical cartridge (called a “shotshell”). Shot scatter over a wide area when expelled from a gun. A shotshell is often made of a plastic or paper case with a metal base and contains primer, power, and shot.

Guns can be automatic, semi-automatic, or single shot – which refers to how a gun fires when the trigger is pulled.³

- **Automatic** – a gun that fires continuously when the trigger is pulled and doesn’t stop until the trigger is released. Often called a “machine gun” or “assault rifle.”
- **Semi-automatic** – a gun that fires a single shot with each pull of the trigger and automatically reloads ammunition between shots. Includes guns referred to as “assault weapons.”
- **Single shot** – a gun that fires once with a pull of the trigger and ammunition must be manually reloaded after every shot.

Two primary categories of guns are long guns and handguns. **Long guns** are made to be shot from the shoulder and include:

- **Rifle** – a gun that shoots bullet cartridges and has spiral grooves (rifling) on the inside of a long barrel. The spiral grooves inside the barrel make the bullet spin as it exits the gun, which provides greater accuracy over a long distance.
- **Shotgun** – a gun with a smooth inner barrel that shoots shot cartridges; often used in hunting.

² 18 United States Code (U.S.C). § 921(a)(3). The definition also includes the frame or receiver of a firearm, a firearm muffler or silencer, or “any destructive device,” which includes objects such as explosives, bombs, grenades, missiles, and mines. 18 United States Code (U.S.C). § 921(a)(4).

³ Joshua Gillin, [The Difference Between Automatic and Semi-automatic Weapons](#), POLITIFACT, October 2, 2017; Tennessee Administrative Office of the Courts, [Firearms Definitions](#).

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Handguns (also called “pistols”) are held/used with one hand and shoot bullet cartridges. The barrel of a handgun contains rifling. The most common types are:

- **Revolver** – a gun with a revolving chamber that holds multiple bullet cartridges. When shot, the chamber rotates and brings the next cartridge in line with the barrel of the gun for firing.⁴
- **Semi-automatic handgun** – a gun that holds multiple bullet cartridges in a “magazine” and automatically cycles a new cartridge into position for firing after the prior one is fired. Semi-automatic means the gun fires a single shot with each pull of the trigger.

Most modern guns have a **magazine** – the part of a gun that stores ammunition and feeds the ammunition into the gun chamber for firing (in contrast to the revolving chamber in a revolver). On some guns, the magazine is an internal, fixed component of the gun and ammunition must be reloaded into the gun. On other guns, the magazine is detachable, allowing a user to quickly replace an empty magazine with a full one. Typical handgun magazines hold between 10 and 17 rounds of ammunition. “High capacity” magazines are sold for some firearms that can hold between 30 and 100 rounds of ammunition.

Federal Firearms License (FFL) – Anyone who is engaged in the legal business of manufacturing, importing, and/or dealing in firearms or destructive devices must apply for and receive a Federal Firearms License (FFL) through the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Bureau in the U.S. Department of Justice (DOJ).⁵

Serial numbers – Federal law requires licensed firearm importers and manufacturers to identify a firearm with a unique serial number engraved or cast on the receiver or frame of the weapon.⁶ The number provides information on the date and location of manufacturing. FFLs are required to keep records on firearms that move through their businesses indefinitely. Law enforcement agencies use serial numbers to trace the origin of firearms for criminal investigations. It is illegal to possess a firearm that has had the serial number removed, obliterated, or altered.⁷

Assault weapon – Different jurisdictions define “assault weapon” differently. In general, an assault weapon is a semi-automatic gun that has a detachable magazine and a pistol grip (a handle under the main gun mechanism that is held similar to how one would hold a pistol). Assault weapons can have additional features such as a telescopic or folding stock, barrel shroud, forward grip, grenade launcher, bayonet mount, and/or flash suppressor (see graphic on next page).

⁴ ATF, [Firearms – Guides – Importation & Verification of Firearms – Gun Control Act Definition – Revolver](#)

⁵ ATF, [Apply for a License](#); ATF, [Types of Federal Firearms Licenses \(FFLs\)](#).

⁶ 18 U.S.C. § 923(i).

⁷ 27 C.F.R § 478.34.

Note: the term “assault rifle” differs from the term “assault weapon.” Assault rifle typically refers to weapons with “selective fire” that can be changed from semi-automatic, fully automatic, or burst mode with a switch. Selective fire rifles are classified as “machine guns” under federal law and civilian ownership is tightly regulated and limited.



Privately Made Firearm or “Ghost gun” – A privately made firearm or PMF is a gun made by an individual that does not have a commercially applied serial number and is typically untraceable by law enforcement. PMFs typically begin as disassembled and partially unfinished components of a firearm. Prior to August 2022, ghost gun kits could easily be bought on the internet that contained all of the parts necessary to build a fully functioning gun in less than an hour. Because these kits (often referred to as “buy build shoot” kits) contain the unassembled pieces of a firearm, they had not fallen under the federal law’s definition of a “firearm” and were not regulated as firearms. As of August 24, 2022, a new federal regulation expanded the definition of “firearm” under federal law to include PMFs.⁸

⁸ Fact Sheet: [The Biden Administration Cracks Down on Ghost Guns, Ensures that ATF Has the Leadership it Needs to Enforce Our Gun Laws](#), (April 11, 2022); [“Definition of ‘Frame or Receiver’ and Identification of Firearms,”](#) ATF.

II. Data

In 2020, the U.S. recorded 45,222 deaths from gun-related injuries. This is the highest number of reported deaths in a given year and is due to a 35 percent increase in the number of gun homicides.⁹ This section summarizes data at the U.S., state, and local levels on firearms and firearm-related violence. OLO compiled national and state data from publicly available sources, including the Centers for Disease Control and the Johns Hopkins Center for Gun Violence Solutions.

To understand trends in Montgomery County, OLO received data from the Montgomery County Police Department (MCPD). OLO also met with representatives from Suburban Hospital, the County's only trauma center. Suburban Hospital collects data on gunshot victims treated at the hospital. Hospital-level data, which would include data on gunshot injuries, was not available at the time of writing this report.

Summary findings include:

- Across the United States and in Maryland, communities of color are disproportionately impacted by firearm violence compared to White communities.
- Maryland ranks seventh in the nation among states with the strongest gun laws. However, Maryland's gun death rate is 13.5 per 100,000 people, near the national average of 13.6 per 100,000 people.
- The number of gun deaths and gun death rate in Montgomery County are low compared to other Maryland counties and Baltimore City.
- Robberies and assaults comprise 80-90 percent of firearm crimes in Montgomery County.
- Privately made firearms (PMFs aka "ghost guns") as a percentage of all guns recovered¹⁰ by MCPD have increased. Top police districts for PMFs recovered are Silver Spring, Wheaton, and Montgomery Village.

The remainder of this section provides more detail on gun deaths, gun suicides, and gun offenses. It is organized as follows:

- **Part A** examines national, state, and local data on gun deaths, including race and ethnicity data where available;

⁹ [A Year in Review: 2020 Gun Deaths in the U.S.](#), The Johns Hopkins Center for Gun Violence Solutions, at p. 4 (2022) [hereinafter "Johns Hopkins, *A Year in Review*"].

¹⁰ A "recovered" gun is an abandoned, seized, or found weapon for which no stolen or lost report is on file. MCPD often recovers guns during a police investigation of a crime or in connection with a suspect.

- **Part B** describes MCPD trend data on firearm offenses and recovered firearms, 2017-2022; and
- **Part C** highlights new data initiatives aimed at reducing gun violence.

A. National, State and Local Gun Death Data

The following sections highlight key gun death data for the U.S., the State of Maryland, and Montgomery County. The data in this section were compiled from numerous reports that use various terminology and data points. OLO incorporated the terminology and data from the source documents into this report and the specificity in this report reflects the information presented in the source documents (e.g., gun violence).

1. U.S. National Data

The Centers for Disease Control and Prevention reported that in 2020, 45,222 people died from gun-related injuries in the United States – the most in any year recorded.¹¹ This number includes all manners of gun deaths, including suicides, homicides, and unintentional and undetermined deaths. The vast majority of gun-related deaths are from suicides and homicides.

The leading cause in the sharp rise in gun deaths in 2020 was due to a significant increase in homicide deaths, which increased 35% from 2019 to 2020.¹² The next table show data on the number of gun deaths per year in the U.S. between 2016 and 2020.

Table 1. Number of U.S. Gun Deaths by Intent, 2016-2020

	2016	2017	2018	2019	2020
Suicide	22,938	23,854	24,432	23,941	24,292
Homicide	14,415	14,542	13,958	14,414	19,384
Legal Intervention	495	486	458	486	611
Unintentional	510	553	539	520	535
Undetermined	300	338	353	346	400
Total	38,658	39,773	39,740	39,707	45,222

Source: Johns Hopkins, *A Year in Review*, at p. 30 (citing CDC data)¹³

The following table and charts present key demographics of gun homicide and suicide victims nationally. The data show firearm violence is highly concentrated in communities of color.¹⁴

¹¹ Johns Hopkins, *A Year in Review*, at p. 7.

¹² Ibid.

¹³ The Johns Hopkins report notes that CDC data undercount the number of police-involved gun deaths (“legal intervention”), citing sources such as *The Washington Post’s* Fatal Force database, which reported 1,021 people shot and killed by police nationwide in 2020. Johns Hopkins, *A Year in Review*, at p. 30.

¹⁴ [“The Root Causes of Gun Violence,”](#) Educational Fund to Stop Gun Violence (March 2020).

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- Table 2 presents key U.S. demographic trends for firearm-related deaths in 2020.
- Chart 1 shows the total number of gun deaths and suicide by race in 2020 for the U.S.
- Figure 1 displays a peer country comparison of child and teen gun death rates for 2020.

Table 2. U.S. Demographic Trends for Firearm-Related Deaths (2020)

Race	<ul style="list-style-type: none">• The gun homicide rate for Black people increased from 19 to 27 deaths per 100,000 people from 2019 to 2020.¹⁵• Young Black males (ages 15-34) are 20 times more likely than White counterparts to become a victim of gun homicide.¹⁶ Young Black males represent 2% of the U.S. population but 38% of all gun homicides in 2020.¹⁷• From (2009-2018) the firearm suicide rate among Black Americans increased by over 31%.¹⁸• Latinx people were two times as likely to die by gun homicide compared to White people.¹⁹• White men accounted for 72% of firearm suicide deaths in 2020.²⁰
Age	<ul style="list-style-type: none">• The U.S. gun death rate for children and teens is 5.6 deaths per 100,000 population. This is significantly higher than in “peer countries.” (Figure 1)²¹• Guns were the leading cause of death among children, teens, and young adults. Young people ages 15–34 years old accounted for three out of every five-gun homicide victims.²²• 52% of Black teens (15-19) who died in 2020 were killed by gun violence.²³• Older adults age 75 and older have the highest risk of dying by gun suicide (rate is twice the national average).
Gender	<ul style="list-style-type: none">• 53% of all suicides were by firearms.²⁴ White men accounted for 72% of all gun suicides.• 79% of all homicides were by firearms.²⁵ Black men accounted for 55% of all gun homicides.

¹⁵ “[Firearm Deaths Grow, Disparities Widen](#),” Centers for Disease Control and Prevention (2022).

¹⁶ Johns Hopkins, *A Year in Review*, at p. 18.

¹⁷ Ibid.

¹⁸ Educational Fund to Stop Gun Violence, *The Root Causes of Gun Violence*.

¹⁹ Johns Hopkins, *A Year in Review*, at p. 18.

²⁰ Ibid. at p. 19.

²¹ McGouch, Matt, et al., “[Child and Teen Firearm Mortality in the U.S. and Peer Countries](#),” Kaiser Family Foundation (July 8, 2022).

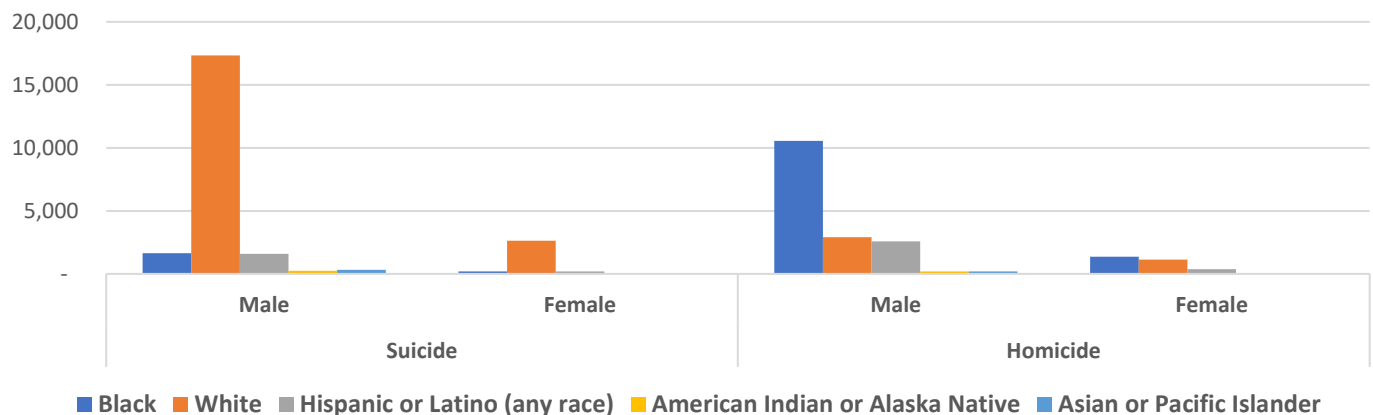
²² Johns Hopkins, *A Year in Review*, at p. 17.

²³ Ibid. at p. 13.

²⁴ Ibid. at p. 12.

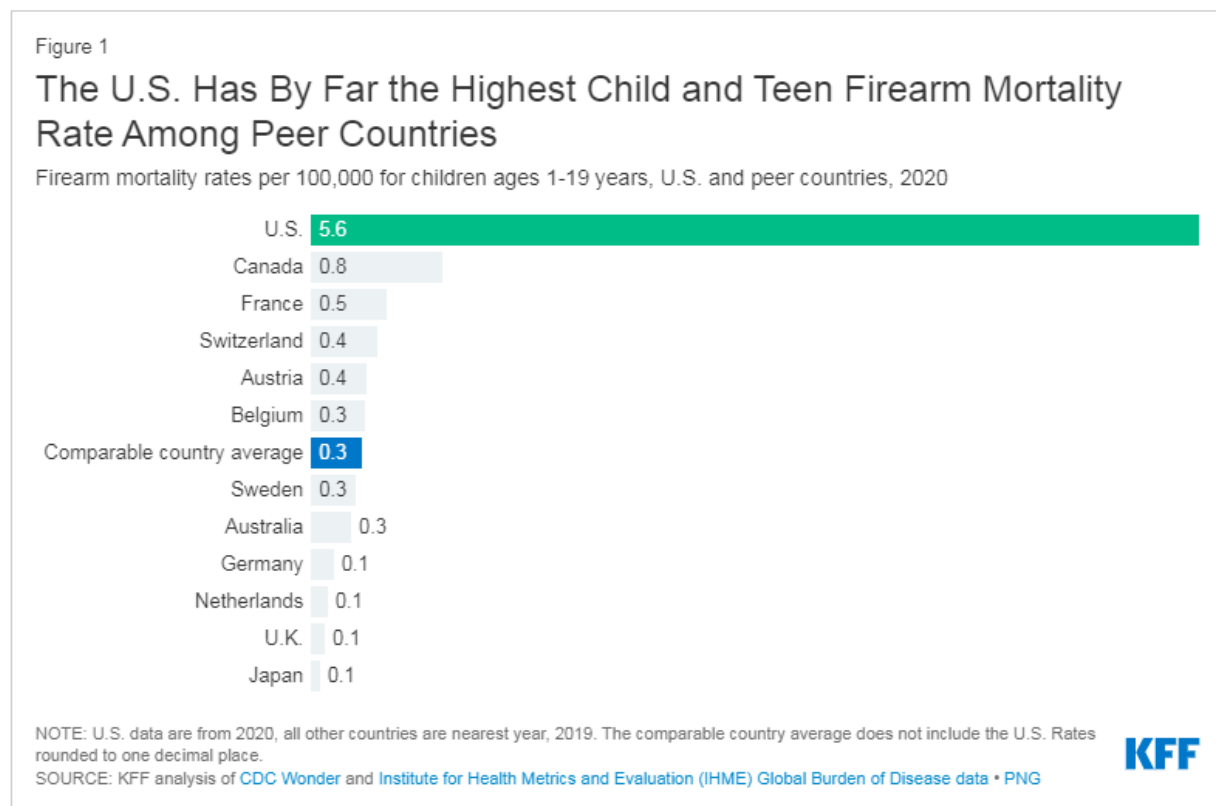
²⁵ Ibid. at p. 11.

Chart 1. Number of Gun Suicide and Homicide Deaths by Race, 2020



Source: Johns Hopkins, *A Year in Review*, at p. 12

Figure 1. Peer Country Comparison of Child and Teen Gun Death Rates, 2020



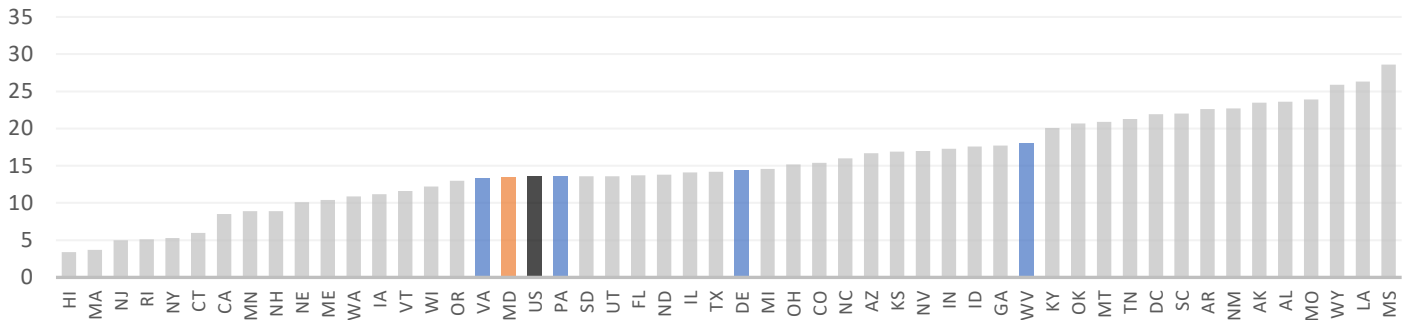
McGouch, Matt, et al., "[Child and Teen Firearm Mortality in the U.S. and Peer Countries](#)," Kaiser Family Foundation (July 8, 2022).

2. Maryland Gun Deaths

Research demonstrates that states with strong gun laws have lower rates of gun deaths.²⁶ Everytown for Gun Safety and the Giffords Law Center to Prevent Gun Violence rank the strength of Maryland’s gun laws as the 7th strongest in the nation, among the “national leaders” in the next figure. Maryland’s gun death rate, however, is 13.5 deaths per 100,000, just below the national average of 13.6. Section IV discusses how illegal gun trafficking impacts deaths in Maryland despite stricter gun laws.

The data in Chart 2 compare the gun death rates among U.S. states in 2020. The colored bars highlight death rates in Maryland, states bordering Maryland, and the U.S.

Chart 2. 2020 U.S. Gun Death Rates by State

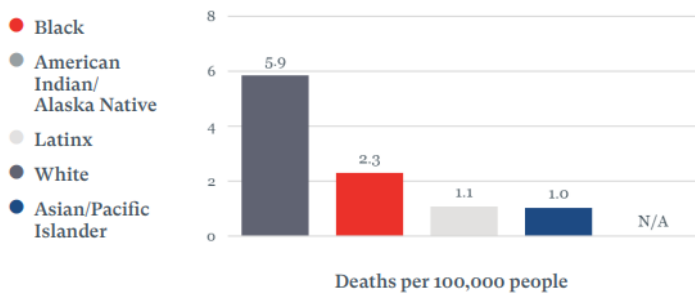


Source: CDC data, OLO analysis

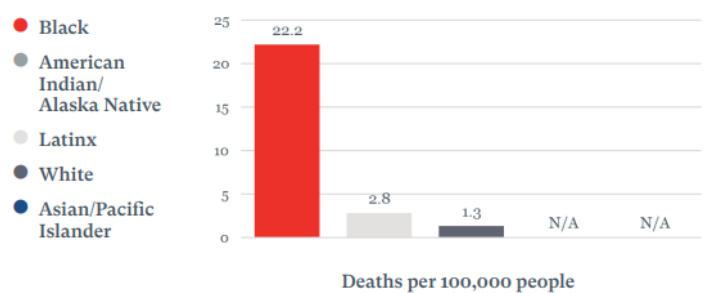
The data in Figure 2 show that in Maryland, Black people are 17 times more likely to die by gun homicide than White people. White people are 2.5 times more likely to die by gun suicide than Black people.

Figure 2. Rate of Gun Suicide and Homicide Deaths by Race in Maryland, 2016-2020

Gun Suicides By Race/Ethnicity in Maryland



Gun Homicides By Race/Ethnicity in Maryland



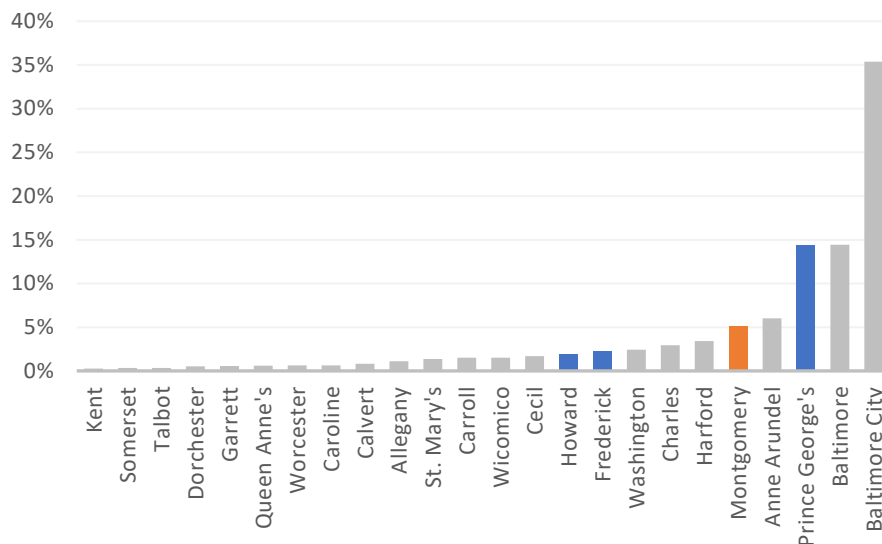
Source: [Everytown for Gun Safety](#)

²⁶ Giffords Law Center to Prevent Gun Violence, [Annual Gun Scorecard](#).

3. Montgomery County Gun Deaths

The number of gun deaths and gun death rate in Montgomery County is lower compared to other Maryland counties and Baltimore City. The number of gun deaths in Montgomery County made up five percent of the total gun deaths in Maryland between 2016 and 2020. The counties highlighted in Chart 3 include Montgomery County and the jurisdictions that border Montgomery County.

Chart 3. Percent of Gun Deaths by Maryland Counties, 2016-2020

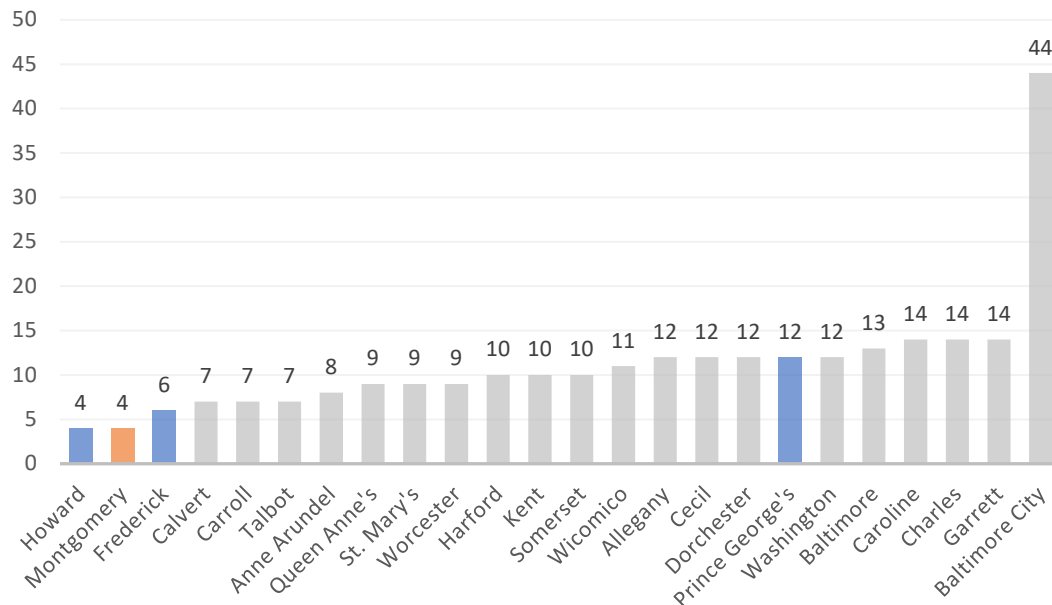


Source: "[Maryland Firearm Fatalities](#)," County Health Rankings and Roadmaps, University of Wisconsin Population Health Institute

The next chart shows that from 2016-2020, Montgomery County's gun death rate was four deaths per 100,000 people, the second lowest in the state.²⁷ Baltimore City had the highest gun death rate – 44 deaths per 100,000 people. Note these data include gun death from all causes including suicide and other non-homicide causes.

²⁷ Source: "[Maryland Firearm Fatalities](#)," County Health Rankings and Roadmaps, University of Wisconsin Population Health Institute.

Chart 4. Gun Death Rate Per 100,000 Population by Maryland Counties, 2016-2020



Source: "[Maryland Firearm Fatalities](#)," County Health Rankings and Roadmaps, University of Wisconsin Population Health Institute

B. Montgomery County Trend Data on Firearm Offenses and Recovered Firearms

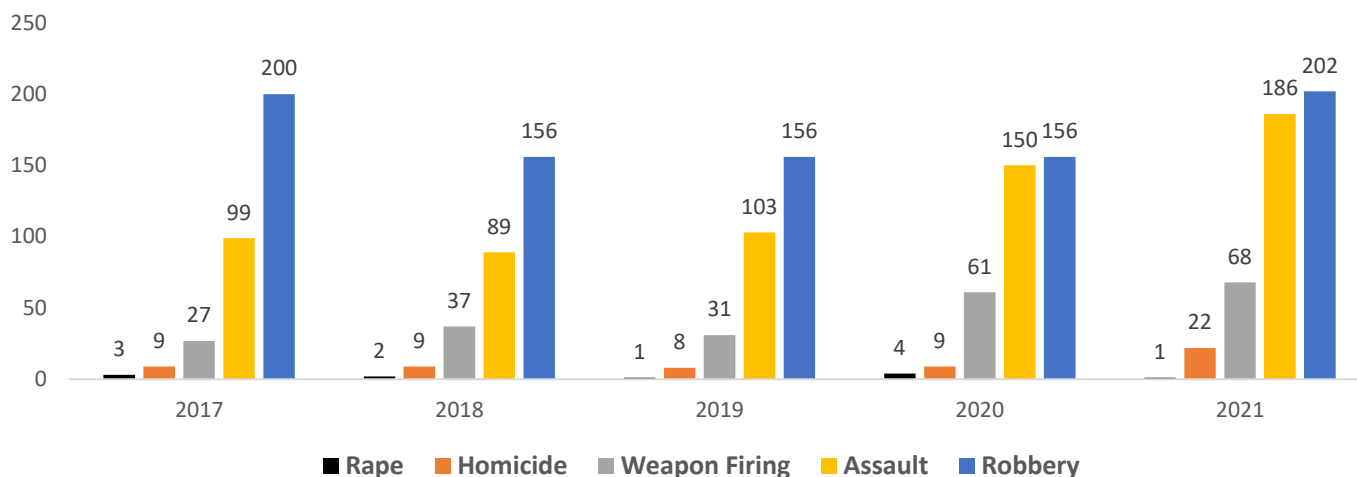
MCPD provided OLO with aggregated data on the number of firearm offenses and recovered firearms.

1. Firearm Offenses in Montgomery County, 2017-2021

MCPD provided OLO data on the number of firearm offenses in the County for 2017-2021. Chart 5 summarizes these data. The data show that:

- Robberies and assaults made up 80-90% of firearm crimes each year.
- Homicides made up 3% of firearm crimes in 2017-2019, 2% in 2020, and 5% in 2021.
- The number of robberies decreased 22% from 2017 to 2018, held steady for the next two years, and increased 29% (to 2017 levels) in 2021.

Chart 5. Number of Gun Offenses in Montgomery County, 2017-2021, by Year



Source: MCPD data

2. Firearms Recovered in Montgomery County, 2019-2022

The following data show the number of firearms recovered by MCPD by year, including privately made firearms (PMFs). MCPD recovered 818 firearms in 2022 through August 28th. The data in Table 3 show the number of firearms recovered in Montgomery County, how they decreased from 2019 to 2020 and increased back to 2019 levels in 2021. Since 2019, when PMFs made up two percent of all guns recovered by MCPD, PMFs as a percentage of all guns has increased. PMFs made up seven percent and six percent of all guns recovered in 2020 and 2021, respectively.

Through August 28, 2022, PMFs made up 17 percent of all guns recovered year-to-date. MCPD representatives report only one of the recoveries of a PMF in this time period involved a person who was legally allowed to own the gun, however, carrying it illegally (i.e., violating the law on the carrying of weapons). The remaining cases involved possessions by people who were legally prohibited from possessing a gun.

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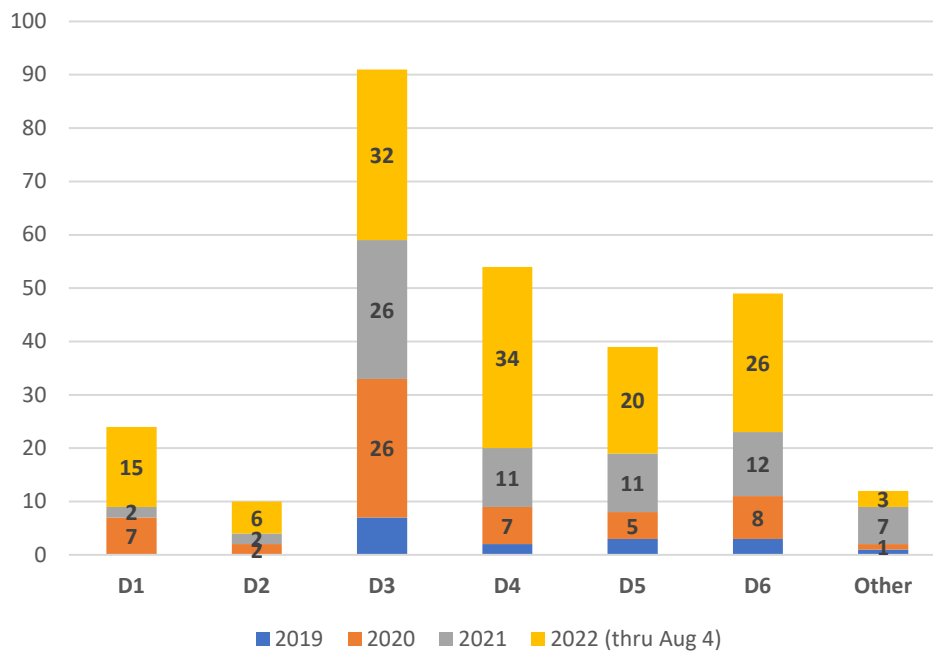
Table 3. Number of Firearms Recovered by MCPD in Montgomery County, 2019-2022 (thru Aug. 28, 2022)

	2019	2020	2021	2022 (thru Aug 28)
All Guns except PMFs	1,031	740	1,121	677
<i>% Increase from Prior Year</i>		-28%	51%	
PMFs	16	56	71	141
<i>% Increase from Prior Year</i>		250%	27%	
<i>% of all guns recovered</i>	2%	7%	6%	17%
Total	1,047	796	1,192	818

Source: "Violent and Non-Violent Crime Comparison," MCPD (Aug. 4, 2022); interviews with MCPD representatives.

Chart 6 shows the number of guns recovered from 2019 through August 4, 2022, and where they were recovered in the County by police district. MCPD recovered the highest number of PMFs in Silver Spring (D3), followed by Wheaton (D4) and Montgomery Village (D6).

Chart 6. Number of Ghost Guns (PMFs) Recovered in Montgomery County in 2019-2022 (thru Aug 4, 2022), by Police District



D1 – Rockville

D2 – Bethesda

D3 – Silver Spring

D4 – Wheaton

D5 – Germantown

D6 – Montgomery Village

Source: "Violent and Non-Violent Crime Comparison," MCPD (Aug. 4, 2022)

III. Firearms Regulation in the U.S., Maryland, and Montgomery County

Firearms²⁸ in the U.S. are regulated by a complex web of federal, state, and local laws and regulations. The possession of firearms is specifically addressed in the second amendment to the U.S. Constitution. The second amendment to the Constitution states that: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”²⁹ In 2008, the Supreme Court reversed course in *District of Columbia v. Heller* and ruled the second amendment establishes an individual right to possess a firearm but does not prevent the government from regulating individuals’ ability to possess handguns.³⁰ In 2022 in *New York State Rifle & Pistol Assoc. v. Bruen*, the Supreme Court further restricted how the government can regulate firearms while still preserving the government’s right to do so.³¹

This section presents a high-level summary of federal, state, and local laws that govern firearm sales, ownership, and possession. The laws discussed below are not all encompassing, rather, OLO selected key laws that relate to the most common types of civilian-owned firearms – handguns, rifles, and shotguns.³² This section is organized as follows:

- **Part A** identifies the major federal laws that govern possession of firearms and summarizes key federal requirements that define state gun regulation;
- **Part B** explains that Maryland state law restricts local governments’ ability to regulate firearm sales, ownership, and possession;
- **Part C** briefly describes the requirements to be a licensed firearms dealer in Maryland;
- **Part D** outlines the general requirements to buy, sell, possess, and carry a firearm in Maryland;
- **Part E** summarizes Montgomery County firearms laws; and
- **Part F** describes recent relevant changes in the law.

²⁸ Federal and Maryland state law define a firearm as any weapon “which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. Quoting 18 United States Code (U.S.C). § 921(a)(3). See also Md. Code Ann., Public Safety Article, § 5-101(h). The federal and state law definitions of “firearm” also include the frame or receiver of a firearm. Federal law also includes in the definition of “firearm” a firearm muffler or silencer or “any destructive devise,” which includes objects such as explosives, bombs, grenades, missiles, and mines. 18 United States Code (U.S.C). § 921(a)(4).

²⁹ U.S. Constitution, amend. II.

³⁰ *District of Columbia v. Heller*, 554 U.S. 570 (2008).

³¹ See *New York State Rifle & Pistol Assoc. v. Bruen*, 597 U.S. __ (2022).

³² Parker, et al., [America’s Complex Relationship With Guns: An in-depth look at the attitudes and experiences of U.S. Adults](#), Pew Research Center, at p. 22 (2017).

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A. Major Federal Firearms Laws

Since the 1930s, the federal government has enacted nine significant pieces of legislation related to firearms. They are:

- National Firearms Act, 1934
- Federal Firearms Act, 1938 (repealed 1968)
- Gun Control Act, 1968
- Firearms Owners' Protection Act, 1986
- Brady Handgun Violence Protection Act, 1993
- Federal Assault Weapons Ban, 1994 (expired 2004)
- Protection of Lawful Commerce in Arms Act and Child Safety Lock Act, 2005
- National Instant Criminal Background Check Systems Improvement Amendments Act, 2007
- Bipartisan Safer Communities Act, 2022

These laws apply throughout the United States and establish the minimum requirements for manufacturing, selling, buying, and possessing firearms, including:

- Requiring federal licensing of firearm manufacturers, importers, and sellers;
- Prohibiting the sale or transfer of firearms to certain classes of people (e.g., convicted felons, underage);
- Requiring background checks on some firearm purchasers to establish they are permitted to own a firearm; and
- Requiring all firearms have a unique serial number imprinted on the gun.

States can pass additional laws regulating firearms, which must complement federal law and not violate the second amendment. Research has shown that states with stricter gun laws have less violence and lower death rates than states with less strict laws.³³ However, gun trafficking – selling guns illegally in violation of federal, state, and local law – can have a major impact on increasing gun violence and death rates even in states with strict gun laws – as is the case in Maryland.³⁴

³³ Everytown for Gun Safety, [2022 Everytown Gun Law Rankings](#); Giffords Law Center to Prevent Gun Violence, [Annual Gun Law Scorecard](#).

³⁴ Giffords Law Center to Prevent Gun Violence, [Annual Gun Law Scorecard](#). See Section IV for a comparison of Maryland's firearms laws to the laws in neighboring states.

B. Maryland Preemption of Local Laws

The State of Maryland expressly preempts³⁵ most local government authority to regulate firearms. Under state law, a “regulated firearm” means a handgun or specific types of assault weapons listed in state law.³⁶ Maryland law prohibits counties from enacting laws to regulate:

- The sale of a regulated firearm;
- The possession of a regulated firearm;
- The transfer of a regulated firearm;³⁷
- “The purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation” of a handgun, rifle, or shotgun or ammunition for those firearms³⁸
- The transfer of a rifle or shotgun;³⁹ and
- The wearing, carrying, or transporting of a handgun.⁴⁰

In addition, counties may not prohibit “the teaching of or training in firearms safety, or other educational or sporting use” of regulated firearms and may not prohibit transportation of regulated firearms in certain situations.⁴¹

But state law expressly permits counties to enact laws to regulate “the purchase, sale, transfer, ownership, possession, and transportation” of a handgun, rifle, shotgun or ammunition:

- With respect to minors;
- With respect to law enforcement officials in the jurisdictions; and
- Within 100 yards of or in a park, church, school, public building, and other place of public assembly.⁴²

Maryland counties may also regulate the discharge of handguns, shotguns, and rifles (e.g., locations where one can legally shoot a gun) but cannot prohibit discharge at an established gun range.⁴³

³⁵ “Preemption” is the legal doctrine that a higher authority of law supersedes a lower authority of law when the two conflict.

³⁶ MD Code Ann., Public Safety Article, § 5-101(r). The law defines an assault weapon by identifying specific guns manufactured by specific companies and includes any copies of those guns, regardless of manufacturer.

³⁷ Md. Code Ann., Public Safety Article, §§ 5-104; 5-133(a); 5-134(a).

³⁸ Md. Code Ann., Criminal Law Article, § 4-209(a).

³⁹ Md. Code Ann., Public Safety Article § 5-207(a).

⁴⁰ 1972 Md. Laws ch. 13, § 6 (uncodified).

⁴¹ Ibid. § 4-209(b)(2), (3).

⁴² Ibid. § 4-209(b).

⁴³ Ibid. § 4-209(d).

C. Becoming a Licensed Firearms Dealer in Maryland

Any person who has a business that imports, manufactures, or deals in firearms or ammunition must obtain a Federal Firearm License from the federal government.⁴⁴ Overseen by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), people who obtain these licenses are referred to as Federal Firearm Licensees (FFLs).⁴⁵ Similarly, Maryland law requires anyone who engages in the business of selling, renting, or transferring “regulated firearms” at wholesale or retail to become a Regulated Firearms Dealer through the Maryland State Police, which requires the dealer to get a:⁴⁶

- Federal Firearm License (FFL) (valid for three years);
- Criminal records history check;
- Maryland firearm dealer’s license (valid for one year);⁴⁷
- Maryland business license;
- Maryland trader’s license (pertaining to sales tax); and
- Local business license (must also comply with zoning requirements).

Some of the requirements for successfully obtaining federal and state licenses include:

- Being a U.S. citizen or permanent resident age 21 or older;
- No felony or domestic violence convictions;
- No outstanding arrest warrants;
- No pending criminal charges;
- Not being a “habitual drunkard” or user of controlled dangerous substances;
- Not having disqualifying mental health conditions or diagnoses;
- Valid government-issued ID;
- Fingerprints; and
- A photograph of the applicant.

A licensed dealer in Maryland must also follow extensive federal and/or state laws and regulations that govern recordkeeping, posted information, signage, and security of the premises. As of January 2022, there were 71 federally licensed firearms dealers (FFLs) in Montgomery County. Forty-seven of them are licensed as a “Dealer in Firearms/Gunsmithing.”⁴⁸ Some FFLs have commercial business premises and others work out of their homes.

⁴⁴ 18 U.S.C. § 923. “[Apply for a License](#),” ATF.

⁴⁵ “[Apply for a License](#),” ATF.

⁴⁶ [Regulated Firearms Dealers](#), Maryland State Police.

⁴⁷ MD Code Ann., Public Safety Article, § 5-106; FFL123.com, [How to get a FFL License in Maryland \(MD\)?](#)

⁴⁸ You can find and download information about current FFLs on ATF’s website [here](#). There are nine types of FFL licenses. Examples of other types include pawnbrokers, manufacturers of firearms, and importers of firearms.

D. Selling, Buying, Possessing, and Carrying a Gun Legally in Maryland

This section summarizes Maryland laws related to selling, buying, possessing, and carrying handguns, rifles, and shotguns – the three most common types of civilian-owned firearms.⁴⁹ This section does not discuss the many state law exemptions to these laws (e.g., law enforcement personnel, the selling/buying of antique firearms, and the selling/buying of firearms that are modified to make them inoperable).

Maryland law specifically prohibits the buying, selling, possession, and transfer of “assault weapons” (assault long guns, assault pistols, and copycat weapons).⁵⁰ The code lists specific weapons that are considered assault long guns and pistols.⁵¹ However, MCPD representatives report there are many firearms that have similar capabilities to the banned weapons that do not appear on the list and are legal to possess in Maryland. For each of the following sub-sections, OLO provides a high level summary table describing key requirements for each law. This section includes information on:

- Minimum ages to own or possess firearms;
- Groups prohibited from possessing a firearm;
- Prohibited places for carrying a firearm;
- Requirements for buying/selling handguns;
- Criminal history background checks;
- Secondary transactions; and
- Carrying a handgun.

The tables in this section include the following terms and abbreviations:

FBI – U.S. Federal Bureau of Investigations

FFL – Federal Firearms Licensee

Firearms licensee – has a Maryland Dealer’s License (requires having an FFL)

MSP – Maryland State Police

Regulated firearm – a handgun or assault weapon

⁴⁹ The criminal law and public safety articles in the Maryland Code are repetitive in some places while placing the focus of the law on different actors. For example, the law prohibits a firearms dealer from conducting a straw purchase, it prohibits a person from participating in a straw purchase, and it makes straw purchases illegal. The information in this section does not reference every section of the code that may allow or prohibit a specific action.

⁵⁰ MD Code Ann., Criminal Article, § 4-303. The law exempts from the prohibition assault weapons owned and registered with the Maryland State Police before August 1, 1994. Ibid. § 4-303(b).

⁵¹ MD Code Ann., Criminal Article, § 4-301; MD Code Ann., Public Safety Article, § 5-101(r).

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1. Minimum Age Requirements

Maryland (and federal) law set a minimum age for owning a handgun, rifle, or shotgun or for possessing one without adult supervision.

Table 4. Minimum Age Requirements

	Regulated Firearm	Rifle or Shotgun
Minimum Age to Purchase ⁵²	21	18
Minimum Age to Possess without Adult Approval/Supervision ⁵³	21	18
Minimum Age to Possess with Adult Approval/Supervision	None	None

⁵² 18 U.S.C. § 922(b)(1); MD Code Ann., Public Safety Article, § 5-117.1(c), (d)

⁵³ MD Code Ann., Public Safety Article, § 5-133(d)(2). A person under the age of 21 may possess a regulated firearm with the permission of a parent or legal guardian if they are under the supervision of someone who is at least 21 years old and that person is not prohibited from possessing a firearm. MD Code Ann., Criminal Law Article, § 4-104

2. Prohibited Possession of Firearms

Maryland (and federal) law explicitly bans select groups of people from possessing any firearm (Table 5). Individuals who fall into these categories are referred to as “prohibited purchasers.”

Table 5. Prohibited Possession of Firearms

	Regulated Firearm	Rifle or Shotgun
<i>A person may not possess a firearm if:</i> ^{54 55}		
Convicted of a disqualifying crime	✓	✓
Convicted of a common law crime w/ imprisonment for 2+ years	✓	✓
Fugitive from justice	✓	✓
Habitual drunkard	✓	✓
Addicted to or habitual user of a controlled dangerous substance	✓	✓
Suffers from a legally-defined “mental disorder” and has history of violent behavior against self or another	✓	✓
Found incompetent to stand trial or not criminally responsible	✓	✓
Voluntarily admitted for 30+ days to a legally-defined mental health facility	✓	✓
Involuntarily committed to a legally-defined mental health facility	✓	✓
Has a current MD civil protection order or order from another state or Native American tribe entered against them	✓	✓
If under age 30, was adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed as an adult	✓	✓
Prohibition on Sale, Rental, Loan, Transfer of Firearms ⁵⁶		
In addition to above restrictions		
<i>A dealer or person may not sell, rent, loan, or transfer a firearm to someone the person knows or has reasonable cause to believe:</i>		
Visibly under the influence of alcohol or drugs	✓	
Participant in a straw purchase	✓	
Person has not completed a certified firearms safety training course	✓	
Intends to use the firearm to commit a crime or cause harm to self or another	✓	

⁵⁴ Regulated firearms: MD Code Ann., Public Safety Article, § 5-133(b)

⁵⁵ Rifles or shotguns: MD Code Ann., Public Safety Article, § 5-205(b)

⁵⁶ Regulated firearms: MD Code Ann., Public Safety Article, § 5-134(b)

3. Prohibited Places to Possess a Firearm

Maryland law prohibits bringing a firearm on public school property or to a public demonstration. The state does not specifically prohibit carrying a firearm in several locations where other states often prohibit possession, such as at polling places, places of worship, hospitals, parks, etc. State law does allow local jurisdictions to enact legislation governing firearms within 100 yards of or in a park, church, school, public building, and other place of public assembly and Montgomery County has done so (see page 27).

Other avenues exist for government and private entities to establish rules and/or regulations to prohibit carrying a firearm in certain places. For example, the Code of Maryland Regulations prohibits the carrying of firearms in most circumstances in state parks. Several administrative orders prohibit carrying firearms in Maryland court buildings.⁵⁷ In 2021 and 2022, legislators in the Maryland General Assembly introduced bills that would ban firearms from polling sites during elections, but the bills were not enacted.⁵⁸

While the Montgomery County Government does not have a specific prohibition on carrying firearms on County premises, some County Government locations are places of public assembly where individuals cannot carry firearms unless they are a member of law enforcement or have a permit to carry a firearm.

Table 6. Prohibited Places to Possess a Firearm

	Regulated Firearm	Rifle or Shotgun
<i>A person may not carry or possess a firearm:</i>	✓	✓
<ul style="list-style-type: none"> On public school property⁵⁹ At a demonstration in a public place or in a vehicle within 1,000 ft. of a demonstration: (1) after a person is advised by a law enforcement officer that a demonstration is occurring and (2) after the person has been ordered to leave the area of the demonstration until disposing of the firearm.⁶⁰ 		

⁵⁷ [Administrative Order on Access to the Robert C. Murphy Courts of Appeals Building](#); Circuit Court for Montgomery County, MD [Courthouse Security Order](#); [District Court Administrative Regulations](#).

⁵⁸ [SB0010](#) (2021); [SB0329](#) (2022).

⁵⁹ MD Code Ann., Criminal Law Article, § 4-102(b). Exceptions for law enforcement, school guard, organized shooting activity for education purposes, historical demonstration for educational purposes. Ibid., § 4-102(a).

⁶⁰ MD Code Ann., Criminal Law Article, § 4-208.

4. Selling/Buying a Firearm

To buy a handgun in Maryland, individuals must obtain a Maryland Handgun Qualification License (valid for 10 years) and complete a Maryland Firearm Application for each handgun purchased.

Table 7. Selling/Buying a Firearm

	Regulated Firearm	Rifle or Shotgun
Maryland Handgun Qualification License⁶¹ <i>Required to buy, rent, or receive a handgun from a dealer or other person</i> <ul style="list-style-type: none"> • Issued by Secretary of the Maryland State Police (MSP); valid for 10 years • Exceptions to requirement for licensed firearms manufacturer, active/retired member of law enforcement, or U.S. armed forces or National Guard • Prohibited: Must not be prohibited from buying or possessing a gun under federal or state law • Required: 21 years old • Required: Resident of Maryland • Required: Satisfactory completion of a firearms safety training course • Required: Federal and state criminal history records checks 	✓	--
Maryland Firearm Application⁶² <i>Required from applicant for every purchase, rental, or transfer of a regulated firearm</i> <ul style="list-style-type: none"> • Evaluated by Secretary of the Maryland State Police • Required: Must be submitted through a licensed dealer or designated law enforcement agency • Required: 21 years old • Required: Federal and state criminal history records checks • Prohibited: Convicted of a disqualifying crime • Prohibited: Being a fugitive from justice • Prohibited: Being a habitual drunkard, addicted to or habitual user of controlled substances • Prohibited: Has a disqualifying “mental disorder” • Prohibited: Was voluntarily admitted for more than 30 consecutive days or involuntarily committed to a facility for treatment of persons with “mental disorders” • Prohibited: Is subject to a protective order 	✓	--

⁶¹ MD Code Ann., Public Safety Article, § 5-117.1

⁶² Ibid. §§ 5-118 to 5-123

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	Regulated Firearm	Rifle or Shotgun
Maryland Firearm Application – Transaction Time Requirements⁶³ <ul style="list-style-type: none"> • Required: Waiting Period: FFL must wait seven (days following submission of a Firearm Application to sell, rent, or transfer a regulated firearm to applicant • Required: Sale, rental, or transfer must occur within 90 days of submission of Firearm Application or application is void • Required: FFL must notify MSP of completed transaction within seven (7) days of delivery of regulated firearm • Required: MSP maintains permanent record of completed transaction 	✓	--
Limit on Number of Regulated Firearms Purchased in 30-Day Period⁶⁴ <ul style="list-style-type: none"> • One regulated firearm (in most cases) 	✓	--

Criminal history background checks initiated by a licensed firearms dealer are a required part of the process for buying a handgun, rifle, or shotgun in Maryland.

Table 8. State and Federal Criminal History Background Checks⁶⁵

	Regulated Firearm	Rifle or Shotgun
<ul style="list-style-type: none"> • State entity: Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services • Federal entity: FBI National Instant Criminal Background Check System (NICS) • Required for: Maryland Dealer's License • Required for: Handgun Qualification License • Required for: Maryland Firearm Application • Required for: Wear and Carry Permit • Required for: Purchase of a rifle or shotgun 	✓	✓

⁶³ MD Code Ann., Public Safety Article, § 5-123

⁶⁴ Ibid. § 5-128 to 5-129.

⁶⁵ Ibid. §§ 5-108; 5-117.1(f); 5-121(a); 5-305.

5. Secondary Transactions

Secondary transactions occur when a private firearm owner (i.e., not a licensed gun dealer) sells, rents, or gives a firearm to another private person. In Maryland these transactions must be conducted through a licensed dealer. The requirements related to secondary transfer of rifles and shotguns went into effect on March 14, 2021.

Table 9. Secondary Transactions

	Regulated Firearm	Rifle or Shotgun
Handguns⁶⁶	✓	n/a
<i>Sale, rental, transfer of a regulated firearm by someone who is not a licensed dealer</i>		
<ul style="list-style-type: none"> • Required: Handgun Qualification License, Firearm Application • Required: Seven day waiting period • Required: Firearm Application must be submitted by a licensed Maryland firearms dealer or sale must be conducted through a designated law enforcement agency • Required: Federal and state criminal history records checks • Required: MSP maintains permanent record of completed transaction 		
Rifles or Shotguns⁶⁷ (effective Mar. 14, 2021)	n/a	✓
<i>Sale, rental, transfer of a rifle/shotgun by someone who is not a licensed dealer</i>		
<ul style="list-style-type: none"> • Does not apply to sales/rentals/transfers between immediate family members • Required: Must be facilitated through a licensed dealer • Required: Federal and state criminal history records checks 		

⁶⁶ MD Code Ann., Public Safety Article, § 5-124

⁶⁷ Ibid. § 5-204.1

6. Carrying a Handgun

In Maryland, a person must apply for and receive a handgun “wear and carry” permit from the Secretary of the Maryland State Police to wear, carry, or transport a handgun outside the home – and must always have a copy of the permit when doing so. There is no comparable requirement for carrying a rifle or shotgun outside the home.

As currently written, Maryland law requires a permit applicant to demonstrate “a good and substantial reason” for receiving a wear and carry permit. However, in June 2022, the U.S. Supreme Court found that a very similar New York law was unconstitutional under the second amendment.⁶⁸ On July 5, 2022, Maryland Governor Larry Hogan announced that he was directing the Maryland State Police to stop enforcing the “good and substantial reason requirement” when reviewing and issuing wear and carry permits.⁶⁹ And on July 27, the Court of Special Appeals struck down the “good and substantial reason requirement.”⁷⁰

Table 10. Carrying a Handgun

	Regulated Firearm	Rifle or Shotgun
<i>A person must have a permit to carry, wear, or transport a handgun in Maryland (applies to open carry and concealed carry)</i> ⁷¹	✓	--
<ul style="list-style-type: none"> • Issued by the Secretary of the MSP • Required: Must be 21 years old (or 18 with employment requirements) • Required: Federal and state criminal history records checks • Required: Successful completion of an MSP-approved firearms training course • Prohibited: Exhibited a propensity for violence or instability that may render possession of a handgun dangerous to self or another person • Prohibited: Convicted of a felony or misdemeanor w/ prison sentence of more than one year imposed • Prohibited: Convicted of a crime involving possession, use, or distribution of a controlled dangerous substance • Prohibited: Is presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless habitual use is under legitimate medical direction • Prohibited: A person is prohibited from possessing, owning, carrying, or transporting a firearm (includes handguns, rifles, shotguns): any person convicted of a felony under MD law, a crime in another state that would be a felony in MD, or conspiracy or attempt to commit a felony⁷² 		

⁶⁸ [New York State Rifle and Pistol Assn., Inc. v. Bruen](#), 597 U.S. __ (2022).

⁶⁹ Dugan, Paul, et al., [“Hogan orders relaxed rules for Maryland concealed handgun permits,”](#) *The Washington Post*, (July 5, 2022).

⁷⁰ *In re Rounds*, 255 Md. App. 205 (2022)

⁷¹ MD Code Ann., Public Safety Article, §§ 5-301 to 5-314

⁷² MD Code Ann., Criminal Law Article, § 5-622(b)

E. County Firearms Laws

As noted above, Maryland local jurisdictions are expressly permitted under state law to regulate “the purchase, sale, transfer, ownership, possession, and transportation” of a handgun, rifle, or shotgun or ammunition:

- With respect to minors;
- With respect to law enforcement officials in the jurisdictions; and
- Within 100 yards of or in a park, church, school, public building, and other place of public assembly.⁷³

County law regulates guns with respect to minors in several ways. For example, a person cannot “give, sell, rent, lend, or otherwise transfer” to a minor:

- A rifle or shotgun (with certain exceptions for parents and instructors);
- A ghost gun or major component thereof;
- An undetectable gun or major component thereof; and
- Computer code or program to make a gun through a 3D printing process.⁷⁴

Other restrictions include:

- Minors cannot enter a gun shop unless accompanied at all times by a parent or guardian; and
- A person can’t store or leave a ghost gun or undetectable gun where the person knows or should know that a minor will have access to it.⁷⁵

Additionally, Maryland counties may also regulate the discharge of handguns, shotguns, and rifles.⁷⁶ County law prohibits discharging a firearm in an “urban area” as defined in the Montgomery County Code.⁷⁷ Outside of an urban area, County law prohibits discharging a firearm across or within 50 yards

⁷³ Md. Code Ann., Criminal Law Article, § 4-209(b).

⁷⁴ Montgomery County Code (MCC) § 57-7.

⁷⁵ Ibid.

⁷⁶ Md. Code Ann., Criminal Law Article, § 4-209(d)

⁷⁷ MCC § 57-4(a). Exceptions: at approved target, trap, skeet, or shooting range; in a private basement target range; when necessary to protect life or property; to kill a dangerous animal; discharge of blanks in performances, parades, or sporting events; salutes at military funerals; under a state-issued deer damage control permit; for deer hunting on private property of at least 50 acres; and for deer management program on M-NCPPC property.

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of a public road, within 150 yards of a building or camp for human occupancy without the owner's written consent, and on public or private property without the owner's written consent.⁷⁸

County law also prohibits the carrying of a gun by a person (open or concealed) or having one in a vehicle except under the following circumstances:

- A person is on a "lawful" mission that requires carrying a gun;
- Carrying by "special guard" or "special police" for certain types of employment;
- For people "lawfully engaged in military service or as a duly authorized peace officer;"
- A person is lawfully engaged in hunting or target practice; and
- A person is going to or returning from lawful hunting or target practice.⁷⁹

Places of Public Assembly. County law prohibits selling, transferring, possessing, or transporting firearms in places of public assembly, which is defined as:

[A] place where the public may assemble, whether the place is publicly or privately owned, including a park; place of worship; school; library; recreational facility; hospital; community health center; long-term facility; or multipurpose exhibition facility, such as a fairgrounds or conference center. A place of public assembly includes all property associated with the place, such as a parking lot or grounds of a building.⁸⁰

Several exceptions exist, including for law enforcement officers, business owners, keeping a firearm in an owner's home, and for individuals with a wear and carry permit under state law.⁸¹ In 2021, a nonprofit organization called Maryland Shall Issue and others sued the County Government over Council Bill 4-21, which expanded the definition of a place of public assembly.⁸² That case is ongoing. Council Bill 21-22E, currently pending, would remove the exception for holders of a wear and carry permit to carry a firearm in a place of public assembly (as defined in Bill 4-21).⁸³

F. New Federal and State Legislation that Impacts County Gun Laws

Several relevant changes to federal and state law have recently taken effect. Effective August 23, 2022, the federal government's definition of a "firearm" was changed to include privately made firearms. On

⁷⁸ Ibid. § 57-5(a). Exceptions: at approved target, trap, skeet, or shooting range; in a private basement target range; when necessary to protect life or property; to kill a dangerous animal; discharge of blanks in performances, parades, or sporting events; salutes at military funerals; and under a state-issued deer damage control permit.

⁷⁹ Ibid. § 57-10.

⁸⁰ Ibid. §§ 57-1; 57-11.

⁸¹ Ibid. § 57-11(b), (c), (d).

⁸² *Maryland Shall Issue, Inc., et. al. v. Montgomery County Maryland*, Case No. 485899V, [Circuit Court for Montgomery County – Civil](#). Moore, Jack, "[Montgomery Co.'s 'ghost gun law challenged in court](#)," wtop.com (June 7, 2021).

⁸³ [Expedited Bill 21-22, Weapons – Firearms In or Near Places of Public Assembly](#)

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October 1, 2022, a new state law requires licensed gun dealers to take additional steps to prevent theft of firearms from their places of business.

1. Privately Made Firearms aka “Ghost Guns”

The legal and technical term for a “ghost gun” is “privately made firearm” or PMF. PMFs are made by private individuals. PMFs typically begin as disassembled and partially unfinished components of a firearm. In recent years, manufacturers have been selling ghost gun kits – sometimes called “buy, build, shoot” kits – that contain all of the necessary components to assemble a fully functioning gun in less than an hour.

Until August 2022, PMFs were not considered firearms under federal law and not regulated. PMFs previously were not required to have a serial number – a key investigative tool to trace the original purchaser of the gun. Effective August 2022, the DOJ issued a federal regulation that incorporates PMFs into the definition of a “firearm.”⁸⁴ As a result, makers and sellers of PMFs must be federally licensed, completed guns require serial numbers, buyers are subject to all relevant requirements for owning firearms, and all relevant federal, state, and local laws apply.

In 2022, the Maryland General Assembly enacted a law regulating PMFs, which also expanded the definition of a firearm to include a PMF.⁸⁵ Effective June 1, 2022, a person may not sell or purchase a PMF unless it is required by federal law to be, and has been, serialized in accordance with federal law.⁸⁶ Effective March 1, 2023, possession of an unmarked ghost gun is prohibited with some exceptions (e.g., the law permits a 30-day time period for an owner to have the newly-made PMF marked with a serial number and registered).

There is no reliable data on the number of PMFs in the United States. However, research and law enforcement data show the number of PMFs used in crime has skyrocketed in recent years (see Montgomery County data in Section II). DOJ reports that “from January 2016 to December 2021, ATF received approximately 45,000 reports of suspected privately made firearms ... recovered by law enforcement in criminal investigations — including 692 homicides or attempted homicides.”⁸⁷

⁸⁴ [“FACT SHEET: Privately Made Firearms \(PMFs\), aka ‘Ghost Guns,’ ‘Buy-Build-Shoot’ kits, and the ‘Frame or Receiver’ Final Rule,”](#) U.S. Department of Justice (2022).

⁸⁵ [SB387/HB425](#), Maryland General Assembly (2022).

⁸⁶ MD Code Ann., Public Safety Article, § 5-703.

⁸⁷ [“FACT SHEET: Privately Made Firearms \(PMFs\), aka ‘Ghost Guns,’ ‘Buy-Build-Shoot’ kits, and the ‘Frame or Receiver’ Final Rule,”](#) U.S. Department of Justice (2022).

2. State Legislation on Security Measures for Licensed Dealers and on Suspension and Revocation of Dealers' Licenses

In its 2022 session, the Maryland General Assembly enacted a bill: (1) requiring licensed firearms dealers to have certain security on the premises where the dealer operates; and (2) establishing reasons the Secretary of the Maryland State Police (MSP) must suspend or revoke a dealers' license.⁸⁸ The law, effective October 1, 2022, requires licensed dealers in Maryland:

- To have certain security features (e.g., video recording equipment, bars, commercial grade metal doors, burglary alarm system), or
- To lock all firearms in a vault, safe, or room that has security features described above.

The bill also establishes reasons for dealer license suspension and revocation by the MSP.

Suspension	Revocation
<ul style="list-style-type: none">• Dealer indicted for a crime of violence• Arrested for certain violations of the state firearms laws• Has two violations of the new requirements for security measures	<ul style="list-style-type: none">• Dealer provided false information when applying for the license• Convicted of a disqualifying crime• Made, sold, or offered to sell a handgun not approved for sale in the state• Knowingly or willfully participated in a straw purchase• Has three violations of the new requirements for security measures.

⁸⁸ [House Bill 1021](#), Maryland General Assembly, 2022 Legislative Session.

IV. Gun Trafficking: State Comparison

Gun trafficking is the movement of guns from legal streams of commerce to illegal streams.⁸⁹ When law enforcement discovers a gun in connection to an investigation, they can request a gun trace. A gun trace can indicate where a crime gun was originally purchased.⁹⁰ Nationally, more than 600,000 crime guns traced between 2010 and 2020 originated from a different state than where the gun was recovered, meaning the gun was trafficked.⁹¹ Further, trends show that gun trafficking is on the rise and these guns are being used in violent crimes.⁹² Trafficking patterns of crime guns show guns travel from states with weak gun laws to states with strong gun laws.⁹³ This undermines states', including Maryland's, strong gun laws and efforts to reduce gun violence.

A 2020 report noted that Maryland had the highest rate in the country of crime guns that originally came from other states.⁹⁴ Many crime guns recovered in Maryland were originally purchased (or obtained) in states with weaker guns laws and brought into Maryland. Twenty years ago, 38 percent of all recovered crime guns in Maryland came from out-of-state. In 2020, the ATF reported this percentage grew to 55 percent.⁹⁵

This chapter examines how key differences in states' laws create pathways for trafficked firearms and contribute to the flow of crime guns into Maryland. Overall, OLO found that wide variances in state laws impact the accessibility and sales of firearms. These variances impact the oversight function of local and state law enforcement and ability to collect crime gun data and trends. This section is organized as follows:

Key Definitions

Gun trafficking is the movement of guns from legal streams of commerce to illegal streams.

Crime guns refer to guns recovered during a police investigation of a crime or in connection with a suspect. Guns used in crime may have been obtained legally or illegally.

Gun tracing is the process used by law enforcement to determine the origins of a gun recovered as part of a legal investigation.

⁸⁹ Center for American Progress, [Frequently Asked Questions About Gun Trafficking](#), August 20, 2021.

⁹⁰ ATF, Fact Sheet: [National Tracing Center](#)

⁹¹ Eugenio Weigend Vargas and Alex Barrio, [The United States Must Address Its Gun Trafficking Crisis](#), Center for American Progress, June 16, 2022.

⁹² Ibid.

⁹³ Everytown for Gun Safety, [Gun Trafficking](#).

⁹⁴ Giffords Law Center, [New Annual Gun Law Scorecard Reveals Gun Safety Movement Continues Remarkable Rise as More Americans than Ever Protected by Stronger Laws](#), February 6, 2020.

⁹⁵ ATF, [Firearms Trace Data: Maryland 2020](#),

- **Part A** describes gun trace data that can help identify how firearms are trafficked; and
- **Part B** highlights key differences in firearm laws between Maryland and eight states identified as top source states for crime guns in Maryland.

A. Firearm Trace Data and Trafficking Patterns

Firearm tracing is the systematic tracking of crime guns recovered by law enforcement from the point of manufacture to point of first retail sale.⁹⁶ Trace data not only helps to solve gun crimes, but also helps to:

- Link a suspect to a firearm in a criminal investigation;
- Identify traffickers (licensed or unlicensed sellers); and
- Detect in state and interstate trafficking patterns.⁹⁷

The federal ATF oversees a national database called eTrace that compiles firearms data from local, state, federal, and international authorities that law enforcement use to find information about recovered crime guns. Data in the system include gun serial numbers, types of crime, recovery dates, and names of people involved in crimes.⁹⁸ These data are essential to law enforcement investigating how firearms are trafficked into a community.

Firearm Tracing

Tracing begins when law enforcement discovers a gun at a crime scene and want to learn where it came from.



Law Enforcement submit a trace request to the ATF.



The ATF receives the trace requests. Analysts use the gun's serial number and/or forensic expertise to determine the guns' retail distribution chain.



If data is available, the ATF can pinpoint the gun's movement through the distribution chain from manufacturer/importer to first buyer.



For local law enforcement trace data can identify and link suspects and traffickers to specific crimes; detect domestic and international traffic patterns; and identify local trends in the sources and types of guns.

Source: ATF, Fact Sheet: [National Tracing Center](#)

⁹⁶ Crime Gun Intelligence Centers, [Crime Gun Tracing](#).

⁹⁷ Crime Gun Intelligence Centers, [Crime Gun Tracing](#); Everytown For Gun Safety, [Repeal Restrictions on Gun Trace Data](#).

⁹⁸ [Fact Sheet – eTrace: Internet-Based Firearms Tracing and Analysis](#), ATF.

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However, there is no federal mandate for state and local law enforcement to enter recovered firearm data into eTrace and federal law limits the sharing and publication of data from eTrace.⁹⁹ Maryland requires all local law enforcement to enter trace data for recovered firearms.¹⁰⁰ OLO reviewed 2020 ATF firearm trace data for Maryland. Key findings include (Table 11):

- For 2020, ATF recorded the source state for 6,357 crime guns recovered in Maryland (out of 9,080 firearms where traces were requested by law enforcement).
- Over one-half of crime guns traced were originally purchased out-of-state (55%, or 3,509 guns).¹⁰¹
- Virginia was the main lead for crime guns recovered in Maryland, with over 1,000 guns traced back to the state, followed by Georgia and Pennsylvania (340 and 313 guns respectively).¹⁰²
- Four of the top eight source states (Florida, Georgia, South Carolina, and West Virginia) do not require law enforcement to trace recovered crime guns.¹⁰³

Table 11 also includes the number of registered federally licensed firearms dealers per state. The data show that Maryland is not alone in experiencing this trend. Low-priced, easily accessible firearms often flow from the South to the North by way of the 1-95 corridor. This creates an issue for states in the Northeast, like Maryland, with strong gun laws but continued gun violence attributable to gun trafficking.¹⁰⁴

⁹⁹ Devon Ziminski, Harvard University, Data-Smart City Solutions, [Tracing Data to Reduce Gun Trafficking](#), August 2, 2017.

¹⁰⁰ Md. Code Ann., Pub. Safety Art. § 5-146(c).

¹⁰¹ ATF generally traces firearms to the first retail seller (FFL) and data may not represent sources or methods by which firearms are acquired for use in crime. The Bureau of Alcohol, Tobacco, and Firearms, Firearms Trace Data: Maryland 2020.

¹⁰² The Bureau of Alcohol, Tobacco, and Firearms, Firearms Trace Data: Maryland 2020.

¹⁰³ Everytown For Gun Safety, Repeal Restrictions on Gun Trace Data.

¹⁰⁴ Devon Ziminski, How New York State's Office of the Attorney General created a new platform to combat gun trafficking through data analytics, Harvard University, [Data-Smart City Solutions](#), August 2017.

Table 11. Trace Data for Recovered Firearms (2020)¹⁰⁵

State of Origin	No. of Guns Recovered & Traced*	% of Total	State Law Requiring Crime Gun Tracing?	No. of FFLs (2020) ¹⁰⁶
Total	6,357	100%	--	--
Maryland	2,848	45%	Yes	2,837
All Other States	3,509	55%	--	--
<i>Virginia</i>	1,070	17%	Yes	3,962
<i>Georgia</i>	340	5%	No	3,478
<i>Pennsylvania</i>	313	5%	Yes	6,136
<i>West Virginia</i>	247	5%	No	1,347
<i>North Carolina</i>	221	3%	Yes	4,430
<i>South Carolina</i>	188	3%	No	2,102
<i>Delaware</i>	138	2%	Yes	316
<i>Florida</i>	133	2%	No	6,988
<i>Other 41 + DC</i>	859	14%	--	--

*Note: The first column displays the total number of guns in which trace requests were submitted by law enforcement to the ATF eTrace system and the ATF was able to identify the guns and the state in which the initial sale took place.

Source: ATF

B. Comparison of Select State Gun Laws

Using states identified in Section A, OLO selected four legal areas that create gun trafficking pathways and compared Maryland laws in those areas with the laws in the eight states (see Table 11 above). OLO examined (1) background checks; (2) dealer oversight; (3) multiple firearm sales; and (4) firearm thefts. For each, OLO identifies how state laws impact gun trafficking and identifies key differences among the laws in Maryland and the top source states.

Note to Readers

Understanding that weaknesses in state laws impacts the strength of Maryland's gun laws, OLO selected four legal areas that impact the State's ability to provide oversight, limit trafficking, and reduce gun violence. For each of the four areas OLO provides data highlights for the nine states identified in Section A. Summary tables are provided at the close of this chapter.

¹⁰⁵ ATF, [Firearms Trace Data: Maryland 2020](#).

¹⁰⁶ ATF, Firearms Commerce in the United States, [Annual Statistical Update 2021](#).

1. Background Checks

Firearm purchases processed through FFL dealers require the dealer to perform a criminal history background check on the buyer (Section III). However, there is a gap in federal law which permits a purchase to proceed after three days, even if a background check is not finished.¹⁰⁷ Data show background checks that take longer than three days are four times more likely to be denied.¹⁰⁸ Four caveats to federal background check laws impact firearm trafficking.

- Federal laws regulating unlicensed sellers are weak. Unlicensed sellers can transfer or sell firearms without running a background check on the buyer. This means prohibited buyers can purchase firearms illegally.¹⁰⁹
- Only specific firearms require background checks.
- States can impose more stringent requirements, including universal background checks (background checks for all purchasers for all firearm types).¹¹⁰
- States can close the federal legal gap by prohibiting or delaying a firearm sale to allow law enforcement more than three days to complete the background check and/or require a waiting time between purchase and receipt of the gun.¹¹¹

Data show 80 percent of all crime guns are obtained through unlicensed sellers who, in many states, do not have to perform a background check on a buyer.¹¹² Conversely, states with more stringent background check requirements have lower rates of firearm homicide, suicide, and trafficking.¹¹³ Among the nine states listed in Table 11 above:

- Florida, Georgia, South Carolina, and West Virginia do not require a state background check or permit to purchase in addition to the federal background check.
- Georgia, West Virginia, and South Carolina allow gun sales to proceed after three days, regardless of background check status.
- Maryland has the most stringent background requirements of all states reviewed requiring private sellers to run handgun background checks, and a waiting period before taking possession of the firearm.¹¹⁴

¹⁰⁷ [“Close the Charleston Loophole,”](#) Everytown for Gun Safety.

¹⁰⁸ Everytown for Gun Safety, [Close the Charleston Loophole](#).

¹⁰⁹ Giffords Law Center, [Universal Background Checks](#),

¹¹⁰ Ibid.

¹¹¹ Everytown for Gun Safety, [Close the Charleston Loophole](#).

¹¹² Giffords Law Center, [Universal Background Checks](#).

¹¹³ Ibid.

¹¹⁴ Ibid., Everytown for Gun Safety, [Background Checks on All Gun Sales](#),

2. Dealer Oversight

The ATF enforces federal firearms laws including requirements for licensed firearms dealers. The ATF's ability to inspect firearm dealers is limited by federal law, staffing constraints, and funding. As a result, ATF only inspects seven percent of FFLs nationally each year.¹¹⁵ Numerous sources have questioned ATF's enforcement of firearms laws with one calling punishments of FFLs largely "toothless and conciliatory."¹¹⁶

Lenient enforcement of FFL requirements can result in increases in straw purchases (when someone buys a firearm for someone who is legally prohibited from buying a firearm),¹¹⁷ purchases without background checks, or doctored records by FFLs on firearms bought and sold.¹¹⁸

Routine inspections of FFL dealers provide law enforcement opportunities to detect potential issues (e.g., poor record keeping, missing inventory) that could be red flags for illegal gun trafficking by an FFL.¹¹⁹ Senator Chris Van Hollen introduced legislation in July 2022 to eliminate barriers to effective ATF oversight.¹²⁰ However, absent federal government action, states can impose more stringent dealer licensing and record retention requirements, including more regular inspections.¹²¹ Among the nine states:

- Florida, North Carolina, South Carolina, Virginia, and West Virginia do not require FFL dealers to obtain a state license to operate, limiting government oversight and increasing opportunities for gun trafficking.
- Maryland, Virginia, and Pennsylvania require reporting of firearm sales to law enforcement or the state. These states, along with Georgia, North Carolina, and Delaware require retention of sales records. Although requirements, record retention requirements not only provide oversight opportunities, but also aid in data collection for firearm tracing.
- Maryland and Delaware are the only states with record retention requirements for private sellers.

¹¹⁵ Brady United Against Gun Violence, [Enhanced Inspections Initiative](#),

¹¹⁶ [Letter from U.S. Representatives Madeleine Dean and Mike Quigley](#) (Apr. 27, 2022); Freskos, Brian, et al., "[After Repeated ATF Warnings, Gun Dealers Can Count on the Agency to Back Off; Sometimes Firearms Flow to Criminals](#)," USA Today, May 27, 2021; WAMU 88.5, [Gun laws in American and how the ATF was set up to fail](#), June 9, 2022.

¹¹⁷ A person buys a firearm on behalf of another person. The other person may be legally prohibited from purchasing a firearm. Giffords Law Center to Prevent Gun Violence, [Trafficking & Straw Purchasing](#).

¹¹⁸ Champe Barton, [ATF Cited Stores that Most Often Sold Guns Used in Chicago Crimes, then Let Them Off Easy](#), Chicago Sun Times, April 15, 2022.

¹¹⁹ Brady United Against Gun Violence, [Combating Crime Guns: A Supply-Side Approach](#); Brian Freskos, Daniel Nass, Alain Stephens, and Nick Penzenstadler, The Trace, [The ATF Catches Thousands of Lawbreaking Gun Dealers Every Year. It Shuts Down Very Few](#), May 26, 2021.

¹²⁰ U.S. Senator Chris Van Hollen, [Van Hollen, Beyer Introduce Legislation to Improve ATF, Strengthen Gun Violence Prevention](#), July 21, 2022.

¹²¹ Brady United Against Gun Violence, [Combating Crime Guns: A Supply-Side Approach](#).

3. Multiple Firearm Sales

States have varying laws on the number of firearms a person can legally buy in one sale or in a period of time. Almost one-quarter of recovered handguns were purchased in a sale of multiple firearms. Limiting the number of firearms purchased within a specific timeframe reduces gun trafficking.¹²² Among the nine states:

- Only Maryland and Virginia limit the number of handguns a person can purchase to one per month. Based on a review of state laws from the Everytown for Gun Safety, the other seven states do not restrict the number of guns a person can buy, allowing buyers to purchase multiple guns from multiple stores at any time.
- OLO stakeholder interviews report that legally making a bulk purchase in one state and bringing the purchase to a state that limits or prohibits these purchases is not a crime (if the purchase is otherwise legal).¹²³

4. Firearm Thefts

Stolen guns are a significant source of firearms trafficked illegally.¹²⁴ Federal law requires FFL dealers to report lost or stolen firearms to ATF and local law enforcement within 48 hours of discovery and does not apply to individuals.¹²⁵ Between 200,000 to 500,000 guns are stolen from individuals each year.¹²⁶ Nationally, stolen firearm data show:

- About one-quarter of stolen guns are taken from vehicles. The number of guns stolen from vehicles doubled between 2006 and 2015.
- Approximately 18,700 guns are stolen from FFL dealers per year. Guns stolen from licensed dealers increased more than any other source.¹²⁷

ATF data on lost/stolen/missing firearms in Maryland in 2021 show Maryland FFLs issued 33 reports to ATF declaring firearms were missing, lost, or stolen, involving 152 firearms (see Table 12 below). Only Delaware, South Carolina, and West Virginia had fewer missing/lost/stolen firearms compared to Maryland (Table 12).

¹²² Giffords Law Center, [Bulk Gun Purchases](#).

¹²³ Stakeholder Interviews.

¹²⁴ Everytown for Gun Safety, [Stolen Guns Pose a Tremendous Risk to Public Safety](#).

¹²⁵ ATF, [Report Firearms Theft or Loss](#).

¹²⁶ Everytown for Gun Safety, [Stolen Guns Pose a Tremendous Risk to Public Safety](#).

¹²⁷ Ibid.

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To prevent lost/stolen/missing firearms from entering the illegal market and potentially becoming crime guns, states can make it more difficult to steal firearms by mandating dealer reporting of thefts and requiring best practices to reduce gun thefts (e.g., secure storage, commercial property operation only, videotaping of sales, etc.). Maryland requires the owner of a lost or stolen regulated firearm to report the incident to a law enforcement agency within 72 hours of discovery.¹²⁸ Among the nine states:

- Maryland is the only state to require premise security. The law requires installation of specified security measures or safe storage of firearms after business hours. The law takes effect October 2022.¹²⁹
- No state law reviewed by OLO, including Maryland, requires the video recording of firearm sales or prevents firearm dealers from operating as home-based businesses. (Home businesses typically have less robust security measures compared to commercial premises and may be more removed from community and law enforcement oversight.)¹³⁰

Table 12. ATF Reported FFL Theft/Loss Statistics (2021) ¹³¹

	No. of Reports Made to ATF	No. of Firearms Lost/Stolen/Missing
Georgia	99	732
Florida	119	433
N. Carolina	89	311
Pennsylvania	103	305
Virginia	78	283
Maryland	33	152
West Virginia	18	134
S. Carolina	35	115
Delaware	3	5

Source: ATF

¹²⁸ Md. Code Ann., Public Safety Article, § 5-146(b).

¹²⁹ Maryland General Assembly, Department of Legislative Services, [Fiscal and Policy Note House Bill 1021](#), 2022 Session.

¹³⁰ Brady United Against Gun Violence, Combating Crime Guns: A Supply-Side Approach.

¹³¹ The Bureau of Alcohol, Tobacco, Firearms, and Explosives, [Federal Firearms Licensee Theft/Loss Report – 2021](#).

Exploiting Background Check Loopholes

	MD	VA	GA	PA	WV	NC	SC	DE	FL
Does State Law . . .									
Require a background check and/or permit to purchase?	✓	✓	No	✓	No	✓	No	✓	No
<i>When is the Background check performed?</i>	Firearm Application (handguns) & point-of-sale (all guns)	Point-of-sale	--	Point-of-sale	--	Permit to Purchase	--	Point-of-sale	--
<i>What gun type is covered?</i>	All*	All	--	Handguns	--	Handguns	--	All	--
Require background check for private sale?	✓	No	No	No	No	✓	No	No	No
<i>What gun type is covered?</i>	All					Handguns			
Close or limit the Charlestown Loophole which allows gun sales to proceed after three business days, even if a background check has not yet been completed?	✓	✓	No	✓	No	✓	No	✓	✓
Require a certain number of days to pass between the purchase of a gun and when the buyer can take possession (waiting period)?	✓	No	No	No	No	No	No	No	✓

*All includes handguns, rifles, and shotguns

Source: Giffords Law Center, [Gun Sales: Maintaining Records of Gun Sales](#); Everytown for Gun Safety, [State Laws At a Glance](#).

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Weaker Dealer Oversight									
	MD	VA	GA	PA	WV	NC	SC	DE	FL
Does State Law . . .									
Require FFL dealers to obtain a state license?	✓	No	✓	✓	No	No	No	✓	No
Require retention of records by FFL dealer?	✓	✓	✓	✓	No	✓	No	✓	No
<i>What gun type is covered?</i>	Handguns & Assault Weapons	All	All	All	--	Handguns	--	All	--
<i>How long is retention required?</i>	No date	2yrs.*	5yrs.	20yrs.	--	Indef.	--	Indef.	--
Require gun sales to be reported to law enforcement or the State?	✓	✓	No	✓	No	No	No	No	No
<i>Does the law apply to FFL dealers and/or private sellers?</i>	Both*	Dealers	--	Dealers	--	--	--	--	--
<i>What gun type is covered?</i>	Handguns & Assault Weapons	Bulk handgun sales	--	Handguns, short-barreled shotguns, or rifles	--	--	--	--	--

*In Maryland, private sales are required to be processed at FFL dealers. In VA retention of records for machine guns, “sawed-off” rifles, and shot guns must be kept indefinitely.

Source: Giffords Law Center, [Gun Sales: Maintaining Records of Gun Sales](#); Everytown for Gun Safety, [State Laws At a Glance](#).

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Bulk Purchase, Assault Weapons, and High-Capacity Magazines

	MD	VA	GA	PA	WV	NC	SC	DE	FL
Does State Law . . .									
Limit number of guns purchased to one per month?	✓	✓*	No	No	No	No	No	No	No
Prohibit the purchase of high-capacity magazines (more than 10 rounds)?	✓	No	No	No	No	No	No	✓	No
Prohibit the purchase and possession of assault weapons?	✓	No	No	No	No	No	No	✓	No

*VA's limit does not apply to select purchase types (e.g., private sale) or buyer types (e.g., FFL dealers, law enforcement, etc.).

Source: Giffords Law Center, [Gun Sales: Maintaining Records of Gun Sales](#); Everytown for Gun Safety, [State Laws At a Glance](#).

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Lost or Stolen Guns									
	MD	VA	GA	PA	WV	NC	SC	DE	FL
Does State Law . . .									
Require dealers to report lost and stolen firearms?	✓	✓	No	No	No	No	No	✓	No
Require businesses selling guns to videotape transactions?	No	No	No	No	No	No	No	No	No
Require premise hardening to prevent break-ins and thefts?	✓	No	No	✓	No	No	No	No	No
Require dealers to post warnings to consumers regarding safe storage of firearms and the consequences of improperly storing firearms?	No	No	No	No	No	✓	No	No	✓
Require secure storage of firearms to prevent unauthorized access by minors?	✓	✓	No	No	No	✓	No	✓	✓

*In Maryland, private sales are required to be processed at FFL dealers. In VA retention of records for machine guns, “sawed-off” rifles, and shot guns must be kept indefinitely.

Source: Giffords Law Center, [Gun Sales: Maintaining Records of Gun Sales](#); Everytown for Gun Safety, [State Laws At a Glance](#).

V. Strategies to Address Gun Trafficking and Gun Violence

Gun violence research and policy analyses include hundreds of recommendations and options to reduce gun violence ranging from increased dealer oversight to banning assault rifles to expanding background check laws. In Maryland, local jurisdictions including Montgomery County are prohibited under state law from regulating the manufacture, sale, transfer, taxation, repair, ownership, possession, and transportation of firearms, except in very limited ways. Many recommendations in the literature to address gun violence are outside the scope of the County Council's authority.

The previous sections described: (1) data to show where Montgomery County lies regarding gun violence when compared to national- and state-level measures; (2) the basic legal parameters of who can buy, sell, possess, or carry a firearm in the County; and (3) how gun trafficking can greatly increase the supply of firearms and impact the rate of gun violence.

Based on key findings from the previous sections, OLO identified policy avenues that arguably are within the purview of the Council and/or the County Government. This section is organized as follows:

- **Section A** begins by identifying potential topics for future research and analysis drawn from gun violence research and policy experts.
- **Section B** describes in more detail two areas of potential focus developed from discussions with primary stakeholders interviewed for this report – representatives from MCPD who work on a day-to-day basis on gun-violence related issues and representatives from Suburban Hospital in Bethesda, the regional trauma center in the County that treats victims of gun violence.

A. Options for Further Analysis and Investigation

The information in this report only scratches the surface of the reasons, root causes, and potential solutions for gun violence. As framed by just one organization – the American Psychological Association – “gun violence is associated with a confluence of individual, family, school, peer, community, and sociocultural risk factors that interact over time during childhood and adolescence.”¹³² A position paper by the American Association of Family Physicians on gun violence also names major policy areas and issues within the topic of gun violence, including:

- Gun violence as a public health epidemic;
- Suicide;
- Domestic violence;

¹³² American Psychological Association, [Gun Violence: Prediction, Prevention, and Policy](#).

- Homicide and violent crime with a firearm;
- Mass shootings; and
- Unintentional death and injury by firearm.¹³³

During OLO stakeholder interviews, policy experts identified several research topics on the issues of gun violence and gun trafficking. Many of these topics were beyond the scope of this project. The list below is a compilation of stakeholder ideas.

- Advocate for state law changes:
 - To allow local jurisdictions to conduct routine inspections of state licensed firearms dealers.¹³⁴
 - To require firearms dealers to visually record gun sales to help deter illegal activity and provide evidence in criminal cases such as straw purchases and robberies.¹³⁵
- Designate County department anti-gun violence liaisons as points of contact for police and the County Executive if any gun issues arise within a department's purview.¹³⁶
- Take steps to determine whether local courts are ordering firearm relinquishment in all appropriate cases (e.g., domestic violence, protective orders).¹³⁷
- Analyze the time required for residents, particularly those in neighborhoods where gun violence occurs, to receive requested County services (e.g., housing, employment assistance, mental health counseling) and whether wait times for services result in increased gun violence.¹³⁸
- Focus strategic efforts on understanding and addressing underlying community conditions that contribute to the risk of gun violence (i.e., food insecurity, poverty, income inequality, lack of social mobility, levels of homeownership).¹³⁹

¹³³ AAFP, [Gun Violence, Prevention of \(Position Paper\)](#).

¹³⁴ Giffords Law Center to Prevent Gun Violence, [Communities on the Move](#), Brady United Against Gun Violence, Combating Crime Guns: A Supply-Side Approach.

¹³⁵ Brady United Against Gun Violence, Combating Crime Guns: A Supply-Side Approach.

¹³⁶ New York City, [Blue Print to End Gun Violence](#).

¹³⁷ CourtWatch Montgomery, [Abusers with Guns: The Critical Role of Maryland's Courts in Reducing Lethal Risks to Domestic Violence Victims](#), 2015.

¹³⁸ J. Briuan Charles, [The Violence Interrupter in the Mayor's Office](#), The Trace, February 26, 2021.

¹³⁹ Centers for Disease Control and Prevention, "[Firearm Deaths Grow, Disparities Widen](#);" Ayman Ali, et. al., [The Association between Food Insecurity and Gun Violence in a Major Metropolitan City](#), J Trauma Acute Care Surg., July 2022; Michael Poulson, Miram Neufield, Tracey Dechert, Lisa Allee, Kelly Kenzik, [Historic Redlining, Structural Racism, and Firearm Violence: A Structural Equation Modeling Approach](#), The Lancet Regional Health – Americas, August 2021; Nicole Kravitz-Wirtz, Angela Bruns, Amanda J. Aubel, Xiaoya Zhang, Shani A. Buggs, [Inequities in Community Exposure to Deadly Gun Violence by Race/Ethnicity, Poverty, and Neighborhood Disadvantage among youth in Large US Cities](#), Journal of Urban Health, June 2022.

B. Options Originating from Stakeholder Discussions

This section describes two focus areas for Council consideration based on stakeholder feedback:

(1) community-focused efforts to reduce firearm violence: and (2) increased data analysis and coordination. Both of these focus areas were highlighted by stakeholders because they directly targeted gun violence challenges in the County and were most likely feasible under existing laws.

1. Community-Focused Efforts to Reduce Firearm Violence

Emerging research shows that community-based interventions and programs for victims of firearms violence and community prevention strategies can effectively disrupt systems of violence. Stakeholders interviewed for this report identified two options to approach gun violence at the community level – hospital-based violence intervention programs and office of violence prevention.

Hospital-Based Violence Intervention Programs. OLO met with representatives from Suburban Hospital in Bethesda, the regional trauma center in the County that treats victims of gun violence. Stakeholders report that since 2016, the hospital has seen increasing numbers of patients with gunshot wounds and has seen an increase in the number of gunshot wounds per patients. Hospital staff routinely see repeat gun violence victims.

Victims of interpersonal violence, including those who sustain gun injuries, are at an elevated risk for re-injury and engaging in retaliatory violence.¹⁴⁰ Research shows that if someone suffering from a gunshot or stab wound returns to the same environment after they leave the hospital, they are more likely to reappear in the emergency department with escalated injuries.¹⁴¹

Hospital-Based Violence Intervention Programs offer services to shooting victims at the hospital (e.g., emergency department or hospital bedside) and community-based services after discharge.¹⁴² The goal of these programs is to break the cycle of violence, prevent reinjury, and reduce subsequent criminal justice system contacts. Services include culturally appropriate mental health counseling, victims of crime assistance, employment, housing, and education.¹⁴³ The following highlights three examples of hospital-based violence intervention programs across the country.

¹⁴⁰ Cities United, [Reimagining Public Safety](#), September 2020.

¹⁴¹ Pivot to Peace, [What is Pivot to Peace?](#)

¹⁴² Cities United and National Institute for Criminal Justice Reform, [4 Proven Violence Reduction Strategies](#).

¹⁴³ The Health Alliance for Violence Intervention, [National Network of Hospital-Based Violence Intervention Programs Policy Whitepaper: Hospital-based Violence Intervention: Practices and Policies to End the Cycle of Violence](#).

- D.L.I.V.E. (Detroit Life is Valuable Everyday), Detroit, MI – The Detroit Medical Center (Sinai Grace Hospital and Wayne State University Department of Emergency Medicine) works with youth and young adults with acute intentional violence trauma. Participants receive between six to 12 months of support and resources ranging from addressing traumatic stress disorder to education/employment, and legal advocacy.¹⁴⁴
- Next Step, Minneapolis, MN – Operating as a partnership between Hennepin Healthcare, North Memorial, and the City of Minneapolis, the Next Step Program works with youth and young adults (ages 12 to 28) who are hospitalized because of a stabbing or gunshot. Program staff work with victims and their families daily and after discharge assist with employment, housing, post-discharge medical care, etc.¹⁴⁵
- Pivot to Peace, Louisville, KY – The program is a collaboration between the University of Louisville Hospital and the Peace Education Program. County residents injured (gunshot or stabbing) or at high risk of violence may participate in the program with their families. The program is referral based and provides wrap around services, including 20 hours of nonviolent conflict resolution.¹⁴⁶

Suburban Hospital representatives report they are aware of the increasing use of Hospital-Based Violence Intervention Program (HVIP) to support patients who have experienced gun violence and to try to reduce further incidents of gun violence.

Offices of Violence Prevention. Jurisdictions across the United States have created Offices of Violence Prevention to centralize and coordinate firearm violence prevention programs within a community.¹⁴⁷ Common work includes inventorying all firearm prevention efforts in a jurisdiction, assessing gaps and strengths, bringing diverse stakeholders together to identify strategies and goals, and ensuring adopted approaches are data driven.¹⁴⁸ Offices of Violence Prevention build partnerships between the communities most affected by gun violence, particularly Black, Indigenous and Other People of Color (BIPOC) communities, and local governments. By centering the voices of impacted communities in the program design, credibility and effectiveness of the programming in addressing community-specific needs increases.¹⁴⁹ There are currently 20 local Office of Violence Prevention in operation. Two are described below.¹⁵⁰

¹⁴⁴ D.L.I.V.E., [What is DLIVE?](#); Cities United, Reimagining Public Safety, September 2020.

¹⁴⁵ Hennepin Healthcare, [Next Step Program](#), Cities United, Reimagining Public Safety, September 2020.

¹⁴⁶ Pivot to Peace, [What is Pivot to Peace?](#)

¹⁴⁷ Everytown for Gun Safety -Mayors Against Illegal Guns, [City Gun Violence Reduction Insight Portal](#),

¹⁴⁸ Everytown for Gun Safety and CityCRIP, [Mayor's Office of Gun Violence Prevention](#).

¹⁴⁹ Rachael Eisenberg, David Muhammad, DeVone Boggan, [The Role of Civilian Offices of Violence Prevention in Helping Communities Stem Gun Violence](#), Center for American Progress, May 10, 2022.

¹⁵⁰ National Institute for Criminal Justice Reform, [National Offices of Violence Prevention Network Report](#).

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- Office of Violence Prevention, Austin, TX – The Office focuses on environmental causes of violence, healing traumas, and equipping change agents to serve communities.¹⁵¹ Office activities include programs aimed at reducing stress levels before violence results, safe firearm storage campaigns, development of county-wide firearm surrender protocols, youth programming, and community programming (e.g., trauma recovery center, community-rooted safety grants).¹⁵²
- Office of Violence Prevention, Portland, OR – The Office identifies gun violence as a public health issue. By addressing the root causes and social determinants of violence, the Office can prevent violence from occurring.¹⁵³ Portland’s Office of Violence Prevention centralizes youth programming, street outreach teams, case management, hospital-based violence intervention programs, restorative justice programming, and funds community-initiated gun violence reduction programs.¹⁵⁴

Next Steps: Community-Focused Efforts to Reduce Firearm Violence. Community-centered approaches create credibility of programming and ensure needs of communities most impacted by gun violence are at the center of policy decisions. Understanding there is a need at the County level to formalize and centralize anti-gun violence support programs, OLO identified several possible “next steps” to further the conversation:

- Solicit feedback from County-based hospital staff on challenges faced by gun violence victims, their families, and hospital staff;
- Discuss opportunities to establish a hospital-based violence intervention program in partnership with hospitals, service providers, County departments; and
- Explore existing County programs that aim to reduce gun violence and opportunities to centralize coordination.

2. Data Analysis and Coordination

A primary challenge in combating gun violence is the lack of data. Data is essential for developing best practices to enforce existing laws and implement anti-gun violence community programs. While access to some data at the federal level is restricted (e.g., ATF gun trace data), state and local governments can engage in strategic data analysis to educate and inform policies.¹⁵⁵ Further, National Opinion Research Center (NORC) at the University of Chicago recommends that local governments create a climate of

¹⁵¹ [Office of Violence Prevention, Austin, TX.](#)

¹⁵² [Office of Violence Prevention Programs, Austin, TX.](#)

¹⁵³ [Office of Violence Prevention, Portland, OR.](#)

¹⁵⁴ [Office of Violence Prevention Programs and Services, Portland, OR.](#)

¹⁵⁵ [“A Blueprint for a U.S. Firearms Data Infrastructure,”](#) NORC at the University of Chicago (Oct. 14, 2020).

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transparency around state and local gun data, including creating regional groups to strategize how to publicly share and integrate data.¹⁵⁶

MCPD representatives extensively discussed the department's use of data to combat gun violence and current data limitations. Representatives noted the need to both rapidly access data for investigative purposes and conduct in-depth strategic data analysis related to gun violence. Several options identified in Section A require both personnel and hardware capable of conducting in-depth data analysis (e.g., analyzing the relationship between food insecurity or home ownership and gun violence).

State, local, and regional initiatives, described below, are getting underway to use data to help reduce gun violence.

- **Montgomery County Violent Crime Information Center.** On June 14, 2022, the Council approved funding for a new center whose “primary purpose will be to support law enforcement operations using data, analysis, and investigative support, enabling real-time crime suppression.”¹⁵⁷ The funding will support four new crime analyst positions, additional technology, supplies, and training.
- **Maryland State Police Gun Center.** In 2022, the Maryland General Assembly enacted legislation to establish the Maryland State Police Gun Center.¹⁵⁸ The Center will maintain a database to track information on all firearm crimes committed in Maryland. The law requires Maryland law enforcement agencies to report data to the Center and the Center will help law enforcement agencies “with firearm enforcement and firearm violation reduction efforts.”
- **120 Initiative.** In July 2022, 17 universities, who are part of the Consortium of Universities of the Washington Metropolitan Area, launched the 120 Initiative. In this initiative, experts in the field will analyze available research on gun violence with the goal of developing evidence-based recommendations within six months that can be shared to reduce gun violence.¹⁵⁹

¹⁵⁶ “[A Blueprint for a U.S. Firearms Data Infrastructure](#),” NORC at the University of Chicago (Oct. 14, 2020).

¹⁵⁷ Farag, Susan, “[Special Appropriation to the FY22 Operating Budget – Department of Police, COVID-19 ARPA Relief Funds](#),” June 14, 2022.

¹⁵⁸ [SB0861](#), Maryland General Assembly (2022). Codified at Maryland Code Ann., Public Safety Article, §§ 5-701 to 5-704.

¹⁵⁹ “[Washington, DC-area universities unite to address gun violence through research-based recommendations for action](#),” July 13, 2022.

Firearms: Availability, Data, and Legal Authority in Montgomery County

Next Steps: Data Analysis and Coordination. Data analysis was a key theme heard throughout OLO's work in this report. Understanding this and current data initiatives in the County, state, and region, the bullets below identify several possible "next steps" to further the conversation:

- Receive an update on the County's Violent Crime Information Center and its work;
- Discuss MCPD technology and staffing needs related to crime analysis; and
- Explore County opportunities to conduct sophisticated data analysis quickly and effectively on firearm violence and trends.

VI. Acknowledgements

OLO appreciates the effort, assistance, and feedback provided for this report. The following individuals met with and/or provided information to OLO. If we inadvertently failed to identify someone, the oversight is unintentional. OLO staff members Kristen Latham, Karen Pecoraro, Janmarie Pena, and Elsabett Tesfaye also assisted with this report.

* Designates County Government department/office or program director or Chief

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The mission of the Montgomery County (MD) Office of Legislative Oversight is to provide accurate information, analysis, and independent findings and recommendations that help the Montgomery County Council fulfill its legislative function.

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VII. Agency Comments

The Office of Legislative Oversight (OLO) shared a final draft of this report with staff from Montgomery County Government. OLO appreciates the time taken by staff to review and provide technical feedback on the draft report. This final report incorporates technical corrections and feedback received from department staff. The written comments received from the Montgomery County Chief Administrative Officer are attached in their entirety on the following pages.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Richard S. Madaleno
Chief Administrative Officer

MEMORANDUM

October 25, 2022

TO: Chris Cihlar, Director
Office of Legislative Oversight

FROM: Richard S. Madaleno, Chief Administrative Officer *BSM*

SUBJECT: Draft OLO Report 2022-13: Firearms: Availability, Data, and Legal Authority in Montgomery County

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Draft Report 2022-33: Firearms: Availability, Data, and Legal Authority in Montgomery County. We appreciate the in-depth and conscientious analysis of gun-related violence in Montgomery County. The three possible "next steps" identified in the draft report highlight the importance of continued research and data analysis to better understand trends and causes of violent crime, as well as linkages between gun violence and other factors, such as housing, food insecurity, or others. Such research and analyses will also enable the County to better target its crime reduction efforts. The Elrich Administration is proud of the actions taken by the Montgomery County Police Department (MCPD) to proactively reduce gun violence in the short term, while at the same time considering ways to make the future safer. Some of these actions have had a direct result on curbing several of our most violent crime areas over the past summer.

There have been several successful community-based efforts that have been implemented by Montgomery County Government to reduce violent crime. MCPD has long had a Community Engagement Division, which provides crime prevention strategies tailored for communities across the County. The Division also works with each Police District's assigned Community Services Officers to establish strategies for crime prevention through robust messaging. At the beginning of FY23, the County set aside funding for a Gun Violence Prevention Initiative. This initiative works in partnership with the existing Street Outreach Network in the Department of Health and Human Services. In addition, a portion of this funding went to hire two hospital navigators to help mediate conflicts during gang and violent situations.

The County also set aside \$472,000 to create the Violent Crime Information Center. Creating such a center has been a long-time goal of MCPD. As part of the preparation and research into developing the center, we have spoken to many other law enforcement agencies, both regionally and nationally, to understand challenges and best practices of implementing such a center. We are supportive of any role the Council might play in persuading our state and federal partners to be more transparent and collaborative with relevant gun-violence data that would make the work of the center more effective and impactful. We are pleased to report that the center is projected to begin operations in December. The center will have four crime analysts working with events occurring in real time with a goal to solve crimes more quickly. The center personnel will also assist police supervisors/commanders and investigators in utilizing intelligence-based approaches to direct police resources to areas impacted by violent crime. Since this initiative was seeded with ARPA dollars, continued funding in future years will be important to allow this initiative to continue.

The report also identifies MCPD technology and staffing needs as an area for further discussion. While MCPD is making strong progress in crime analysis, MCPD's records management system (RMS) is outdated and in need of replacement. MCPD is implementing a new RMS, which should provide for many operational improvements and will allow for enhanced data analysis. Additionally, while MCPD faces the recruitment and retention challenges that are being felt nationally in filling frontline police positions, we have found that there is still a strong pool of dedicated individuals who wish to serve the public in non-frontline capacities, such as crime and intelligence analysts. Expanding our crime analysis functions would give sworn officers critical intelligence to help them be more efficient in their work on the front line.

Montgomery County's current employees in the crime analysis and intelligence analysis functions are extremely well regarded both regionally and nationally. They are routinely called upon by federal partners to assist with major investigations. These employees are doing an amazing job with the resources they have. Further investment in crime analysis technology and staff will only continue to improve outcomes and provide the necessary data to help our field officers keep the community safe. However, we also recognize that analyzing the data on violent crime is no longer something that can be relegated to a few specialized individuals. Every law enforcement practitioner should have a basic understanding of data analytics and how to use data to drive investigative and operational decision making. Human capital and technology improvement within MCPD are critical investments to ensure the department continues to improve its intelligence-based decision making.

The report also discusses the merits of having an Office of Violence Prevention and notes that several law enforcement agencies in major cities maintain similar offices. We will be interested in seeing the results of such offices to help inform whether such an office would benefit Montgomery County. We also would need to better understand how the responsibilities of such an office would differ from the current MCPD Policy and Planning Division or if the functions can be integrated into MCPD's current structure.

Gun-based violence and other violent crimes have no place in Montgomery County, and we are committed to working with the County Council and other partners to develop additional solutions to address and eradicate violent crime from our community.

We look forward to discussing these items at the Council session.

RSM/np/ac

cc: Fariba Kassiri, Deputy Chief Administrative Officer
Earl Stoddard, Assistant Chief Administrative Officer
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