

# Maryland Crime Control and Prevention Strategy

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UPDATE

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## Maryland CEASEFIRE: Comprehensive Gun Enforcement Strategy

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MARCH 2000



Governor Parris N. Glendening  
Lt. Governor Kathleen Kennedy Townsend, *Chair*  
Cabinet Council on Criminal and Juvenile Justice

Colonel David B. Mitchell, *Superintendent*  
Maryland State Police

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## **Maryland CEASEFIRE Gun Enforcement Strategy**

- I. Make Guns Safer**
  - Require trigger locks and internal mechanical locks
  - Mandate Childproof, Smart Guns
  - Ban sale of the most dangerous weapons
- II. Fingerprint Guns Before They are Sold**
  - Require presale ballistics fingerprinting, including shell casings and slugs
- III. Audit Firearms Dealers**
  - Hold dealers accountable for fully enforcing gun laws
- IV. Keep Guns Out of the Hands of Criminals and Juveniles**
  - Enforce background check and waiting period
  - Enforce carry permit review process
  - Ensure timely, accurate data entry and service of protective orders
  - Enforce Child Access Prevention Law
  - Extend Prohibition on Purchases by juvenile offenders
- V. Trace All Recovered Firearms, Casings, and Bullets**
  - Identify violent offenders who commit crimes with guns
  - Identify illegal gun traffickers
- VI. Target Gun Offenders for Enhanced Prosecution, Sentencing and Supervision**
  - Support Comprehensive, Coordinated Gun Enforcement Strategies
  - Enhanced Gun Offender Sentencing Program
  - Enhance penalties for violent offenders who use guns
  - Provide intensive supervision for gun offenders on probation or parole
- VII. Train Firearms Dealers and Law Enforcement**
  - Ensure dealers and police have full knowledge of gun laws
- VIII. Enhance Offender and Public Awareness of Gun Laws and Enforcement Initiatives**
  - Publicize enforcement initiatives, mandatory sentences
  - Encourage citizens to report illegal guns

# Maryland CEASEFIRE: Update

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## A Message from Lt. Governor Kathleen Kennedy Townsend

March 7, 2000

Dear Friends:

Gun violence has devastated too many families and has made too many citizens and children afraid in their own neighborhoods and schools. Governor Parris N. Glendening and I have made stopping gun violence a top priority of our Administration. In 1996, we held a Gun Enforcement Summit to take stock of what was happening in the state, to identify the most promising practices for enforcing gun laws, and to outline steps for the future. Today, we are convening a second summit to review our progress and map out new, innovative directions.

By working together at the local, state and federal levels, we have made significant progress since 1994. For the period 1994 - 1998, the number of murder, robberies and assaults committed with firearms in Maryland dropped 28 percent. Multiple purchases of handguns dropped by 79% since October 1995. But there is still much more to be done.

This year Governor Glendening and I proposed the Responsible Gun Safety Act — a specific, realistic and aggressive approach for reducing the danger to our children posed by guns. This legislation would help make our communities safe in several ways:

- require the use of available technology to prevent children and other unauthorized users from firing a handgun;
- establish 5-year mandatory minimum sentence for certain felons in possession of a gun;
- require pre-sale ballistics "fingerprinting" of all handguns sold in Maryland;
- strengthen the prohibition against juvenile offenders owning a gun until age 30; and
- establish \$1 million in CEASEFIRE grants for local gun enforcement efforts.

This Maryland CEASEFIRE Strategy Update reviews our current efforts to reduce gun violence and outlines a comprehensive 8-part strategy which follows the life of a gun from the manufacturer to the street, seeking to prevent it from being used in a crime or fired by accident at every step along the way. It is a strategy that moves us beyond the paralyzing debate between gun control and gun enforcement, and acknowledges that we will save the most lives if we aggressively pursue both.

We have already shown that when we work together, we can prevent the tragic toll that gun crime exacts from families and communities. I look forward to continuing our common efforts to build on our accomplishments in making Maryland an even safer place to live, work and raise a family.

With warm wishes,



Kathleen Kennedy Townsend

Lt. Governor

**A Message from Superintendent of the Maryland State Police  
Colonel David B. Mitchell**

March 1, 2000

Gun violence tears at the very fabric of our society. Hardly a day goes by without another life being taken from us as a result of gun violence — each life full of unrealized dreams and unfulfilled potential.

Gunfights now replace fistfights as ways to settle scores among everyone from avenging drug gangs to arguing neighbors. Children are caught in the crossfire, many of our elderly are afraid to leave their homes, and police officers fall to well-armed criminals with little regard for human life. There are moments the challenges seem overwhelming.

The good news is we can make a difference. We can stem the tide of violence created by armed criminals. We can impact illegal gun trafficking and remove guns from the hands of criminals.

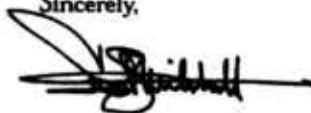
Governor Parris N. Glendening and Lt. Governor Kathleen Kennedy Townsend continue to set a national example for leadership in the fight against gun violence. Their leadership initiated the CEASEFIRE strategy in early 1995 and prompted our first gun summit. Their Gun Violence Act of 1996 became one of the nation's most sensible and comprehensive gun laws. By outlawing straw purchases and limiting purchases to one gun a month, we have significantly impacted the flow of weapons onto our streets.

There is much more to be done. The future holds much promise in the area of childproof weapons technology, ballistic fingerprinting, gun tracing and other initiatives. However, as law enforcement officials, we realize we cannot do this alone.

Our efforts must be cooperative and coordinated. That is why this update is of vital importance to all law enforcement and government officials. The topics discussed involve the latest in enforcement strategy and technology. This Maryland CEASEFIRE update will provide a clear picture of what the challenge is and what tools we can use now and in the future to meet the challenge and accomplish our goal of significantly reducing gun violence in Maryland.

Thank you for being an important partner in this lifesaving effort. Together, we will make a difference!

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Mitchell", with a long horizontal flourish extending to the right.

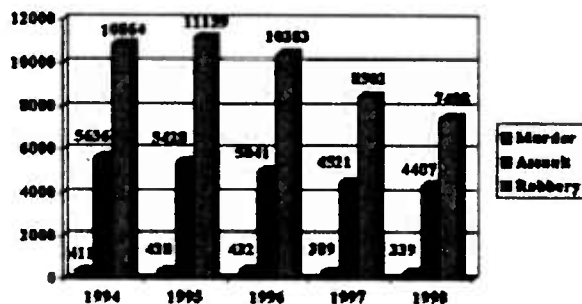
David B. Mitchell  
Superintendent, Maryland State Police

## Summary

In 1996, Governor Parris N. Glendening and Lt. Governor Kathleen Kennedy Townsend convened a summit on gun enforcement to review options for reducing gun crime in Maryland. Since then, Maryland CEASEFIRE — Maryland's comprehensive and multi-faceted effort to keep illegal firearms out of the hands of criminals — has made a striking impact. Several statistics suggest the progress which has been made:

- a 28% reduction in violent gun-related crime since 1995;
- a 138% increase in the number of disapprovals of applications for gun purchases by those legally prohibited from owning firearms from 1998 - 1999;
- a 69% reduction in the number of multiple purchases from 1996 to 1998, the vast majority of which were straw purchases — firearms illegally purchased by one person for another who is prohibited from possessing a firearm;
- a 27% reduction in the number of murders committed with handguns from 1996 to 1998;
- a 14% decrease in the number of murders committed with handguns from 1996 to 1998; and
- aggravated assault decreased 38% between 1996 and 1998.

### Firearm Crime in Maryland Murder/Robbery/Assault



Source: 1994 Uniform Crime Report

These statistics grow out of Maryland's comprehensive approach to reducing gun violence. Maryland CEASEFIRE consists of eight basic elements:

- Making Guns Safer
- Finger Print Guns Before They are Sold
- Audit Firearms Dealers
- Keep Guns Out of the Hands of Criminals and Juveniles
- Trace All Recovered Firearms, Casings, and Bullets
- Target Gun Offenders for Enhanced Prosecution, Sentencing and Supervision
- Train Firearms Dealers and Law Enforcement
- Enhance Offender and Public Awareness of Gun Laws and Enforcement Initiatives

Together, these strategic elements intervene at multiple points in the life of a crime gun to create an environment where criminals are less likely to obtain guns and more likely to be caught and punished for

having or using guns. In this, as in so many areas of crime control, there is no single "magic bullet"; rather, our success depends on the cumulative effect of all these efforts.

This strategy update summarizes some of our progress in the past several years of Maryland CEASEFIRE and highlights some practices which hold promise for further reductions in gun violence. While it cannot begin to describe all of the efforts of dedicated local, federal and state law enforcement and other agencies across Maryland, the report touches on some key highlights in our fight against gun violence and outlines some important areas for future work.

## **Part I. Overview**

- A. Firearm Violence**
- B. History of National Firearm Laws**
- C. History of Maryland Firearm Laws**



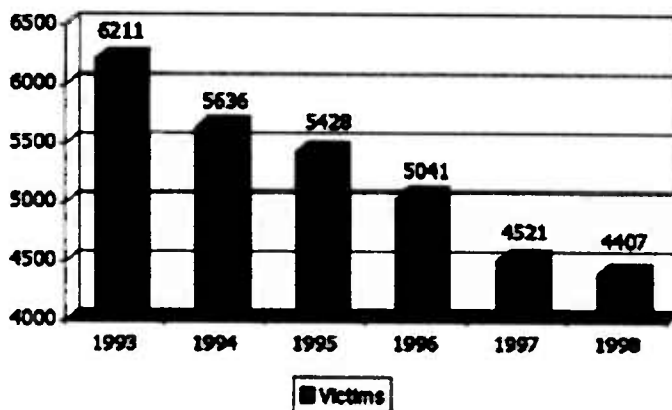
## A. Firearm Violence: The Problem

In the past year, events have brought about a heightened public focus on the issue of gun violence. In the United States overall gun related crime peaked in the late 1980's and early 1990's. Since that time, the U.S. had made steady improvements in reducing gun-related violence. Nonetheless, gun violence remains a serious national problem.

Maryland has shown even greater progress in reducing gun violence, but the overall level of gun violence in our State remains unacceptably high. Firearms accounted for 61% of reported murders, 49% of robberies and 19% of aggravated assaults. While the statistics above make it clear that handguns continue to feature in a significant proportion of violent crimes in Maryland, there have been marked reductions in handgun violence over the past several years:

- a 28% reduction in violent gun-related crime since 1995;
- a 27% reduction in the number of murders committed with handguns from 1996 to 1998;
- a 14% decrease in the number of robberies committed with handguns from 1996 to 1998; and,
- aggravated assault decreased from 1996 to 1998.

### Assault by Firearm in Maryland



Source: 1998 Uniform Crime Report

## ***FIREARMS VIOLENCE AND CHILDREN***

In addition to violent crime, the effect of firearms violence on our children is of particular concern. Every day in America, 16 children under the age of 19 are killed with firearms. Many of those deaths — accidents, suicides, and homicides — are preventable. One of the best ways of preventing them is to keep children from gaining access to a gun in the home. Public opinion surveys reveal that almost half of all households own firearms and that, regrettably, a substantial number of gun owners improperly store their weapons, leaving them loaded, unlocked or both.

The Centers for Disease Control and Prevention (CDC) estimate that nearly 1.2 million latch key children have access to loaded and unlocked firearms. Given this widespread access, it is not surprising that children and teenagers cause over 10,000 unintentional shootings each year in which at least 800 people die. In addition, approximately 1,900 children and teenagers attempt suicide with a firearm every year. Over three-fourths of them are successful.

The rate of firearm deaths among children 0 to 14 years old is nearly twelve times higher in the U.S. than in 25 other industrialized countries combined.

### **B. History of National Firearms Laws**

During 1934, in response to Prohibition-era violence and the attempted assassination of Franklin Roosevelt while he was president-elect, Congress placed a tax on the manufacture and sale of sawed-off shotguns, sawed-off rifles, machine guns and silencers. It also required buyers of these weapons to undergo background checks.

In the wake of the assassinations of Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy the Gun Control Act of 1968 was passed by Congress and signed into law by President Lyndon B. Johnson. The 1968 Gun Control Act established prohibitions from purchasing or possessing firearms. These prohibitions included: convicted felons, fugitives from justice, minors, individuals with a history of mental illness, anyone dishonorably discharged from the military and illegal aliens. Additionally, the law banned the mail-order sales of all firearms and ammunition and set standards for gun dealers and age guidelines for gun purchasers. The sale and manufacture of new fully automatic civilian machine guns was prohibited by the 1968 Gun Control Act as was the importation of firearms not designed for sporting purposes. The Gun Control Act of 1968 has become the foundation for our current federal gun laws, and has been instrumental in the ongoing fight against gun violence in America.

The Brady Law — named for James Brady, Press Secretary for President Ronald Reagan, who was shot by a handgun during an assassination attempt — was passed by Congress and signed into law in 1994 by President William Jefferson Clinton. Prior to the Brady Law, gun sales operated on the "honor system." A prospective firearm purchaser merely had to sign a statement attesting that he or she was not legally forbidden from purchasing a firearm. Very often, convicted criminals and other prohibited purchasers would simply provide false information on their firearm application. The Brady Law changed this by requiring that every retail sale of a handgun be referred to law enforcement for a mandatory background check.

As a direct result of the Brady Law, in November of 1998, the National Instant Check System or NICS became operational. NICS allows background checks to be conducted, at a national level, on any person purchasing a firearm from a federally licensed firearms dealer, including sales at gun shows. Operated by the Federal Bureau of Investigation with assistance from the Bureau of Alcohol, Tobacco and Firearms, NICS

has kept thousands of individuals including murderers, spousal abusers, gun traffickers, and fugitives from purchasing firearms. Since the passage of the Brady Law, more than 400,000 felons and other prohibited purchasers have been prohibited from buying handguns over-the-counter from federally licensed firearm dealers.

Responding to the rising number of woundings and killings by assault weapons, the Congress passed the Violent Crime Control and Law Enforcement Act in 1994. President Clinton signed it into law during the same year. This law specifically banned the future manufacture and importation of semiautomatic assault weapons with no hunting or sporting purpose. The crime bill defines semiautomatic assault weapons with a list of nineteen specifically banned weapons and with objective criteria designed to ban the further production of such weapons clearly intended and accessorized for military or criminal use. The crime bill also banned the future manufacture and import of large-capacity ammunition magazines holding more than ten bullets.

Responding to the increased awareness of domestic violence and related issues, the Lautenberg Domestic Violence Offender Gun Ban was signed into law on September 30, 1996. This Law prohibits a person convicted of a misdemeanor involving domestic violence to possess a firearm. The Domestic Violence Offender Gun Ban was a significant step forward in the drive to reduce domestic violence.

A key aspect of this law is that no person is exempt. Law enforcement and military personnel are prohibited from possessing a firearm if convicted of a domestic violence misdemeanor. A misdemeanor crime of domestic violence includes a misdemeanor that involves the use or attempted use of physical force against a family member. Finally, the Lautenberg Amendment applies to past crimes.

## C. History of Maryland Firearms Law

Under Maryland law a firearm is defined as a pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun or any other firearm. Ammunition means any ammunition cartridge, shell or other device containing explosive or incendiary material designed and intended for use in a firearm. Maryland law closely monitors the field of both firearms and ammunition. The Law has evolved over years to combat the rise in gun violence.

Our State's firearm laws have been steadily enhanced and improved over time. In 1972 a seven-day waiting period was implemented in the State of Maryland. By 1976 a Handgun Permit was required to carry a weapon on your person. During 1982, a State law preempted local restrictions on the possession or sale of handgun ammunition.

Signed by Governor William Donald Schaefer on May 23, 1988, House Bill Number 1131 placed a prohibition of strict liability for damages caused by certain criminal use of firearms. The law highlighted certain handguns that generally included several of the following characteristics: easily concealable, ballistically inaccurate, relatively light in weight, of low quality and manufacture, unreliable as to safety, and of low caliber. According to the law, certain handguns have no legitimate socially useful purpose and are not suitable for law enforcement, self-protection, or sporting activities. The law stipulated that only the prohibition of the manufacture and sale of these handguns will remove these handguns from the streets of this State. This law took effect and involved regulated firearms manufactured for distribution or sale, or offered for sale, handguns after January 1 1990.

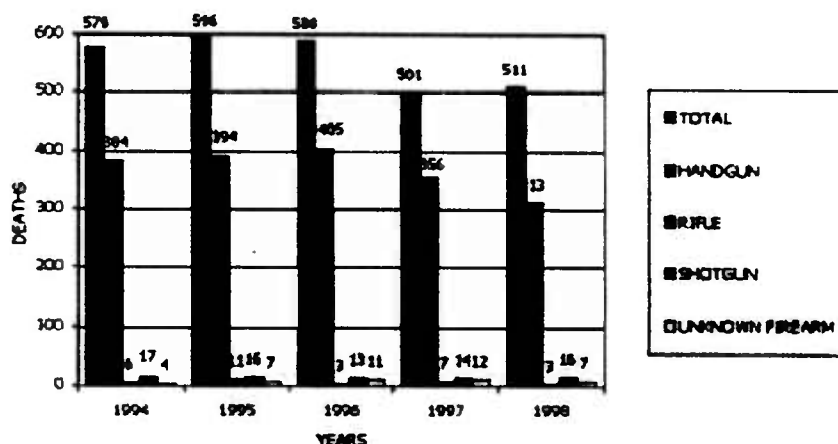
In 1992, the Maryland Legislature and Governor William Donald Schaefer enacted a measure designed to limit the access of minors to firearms, making it illegal for an individual to store or leave a loaded firearm in any location where the individual knew or should have known that an unsupervised minor would gain

access to the firearm. Certain exceptions to the law did exist; however, this does not apply if the minor's access to a firearm is supervised by a person 18 years old or older; a minor's access to a firearm was obtained as a result of an unlawful entry; a firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or a minor has a certificate of firearm and hunter safety as set forth by the Maryland Resource Article. Any person who violates this is guilty of a misdemeanor and upon conviction shall be fined not more than a \$1,000.00.

The Gun Show law, passed in 1993, targeted gun-dealers engaged in the business of selling firearms without a license while participating in gun shows. Upon its passage, the gun show law prohibited the sale of a handgun by a licensed dealer while operating at a gun show without a background check on the buyer and the seven-day waiting period.

In 1994, the Legislature and Governor Shafer enacted a law targeting assault pistols. This law provides that a person may not possess, sell, offer to sell, transfer, purchase, or receive an assault pistol in the State. In an effort not to impact prior legal purchases of assault pistols the law allowed a person who lawfully possessed an assault pistol before June 1, 1994 to continue to possess the assault pistol if the person registered the assault pistol with the Secretary of the Maryland State Police before August 1, 1994.

## Homicides By Firearm in MD



Source: 1998 Uniform Crime Report

In 1996, the Glendening-Townsend Administration and the Maryland Legislature passed one of the most comprehensive packages of gun laws introduced to Maryland. And, one of the strictest in the nation. Entitled the Gun Violence Act of 1996, this assortment of laws created a list of specifically prohibited assault weapons or their copies, regardless of manufacture. In order to purchase, transfer, sell, or offer to sell one of these regulated firearms, a person must complete and submit an MSP Form 77R Application to Purchase a Regulated Firearm.

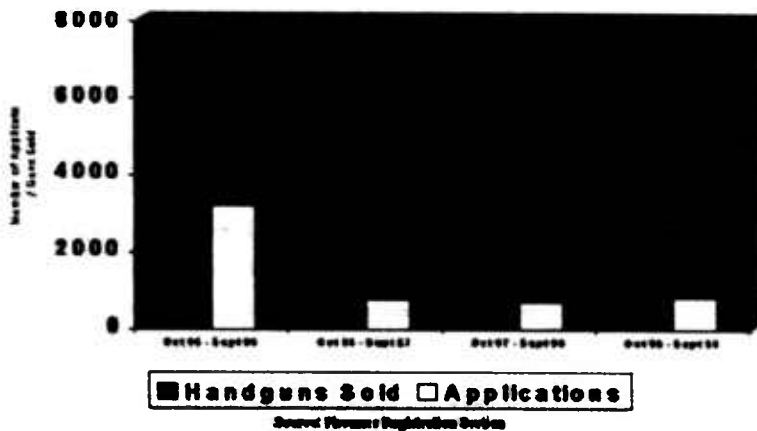
The Gun Violence Act of 1996 also:

- limited the purchase of regulated firearms to one in a thirty-day period;
- prohibited straw purchases;
- established a collectors classification;
- established a background check and seven-day waiting period for private secondary sales of regulated firearms, and;
- allowed for gift purchase of a regulated firearm whereby transfer of the firearm is conducted between immediate family members (gifts must then be registered with the Maryland State Police within five days of receipt).

The provision limiting firearms purchases — "one gun a month" — helped to produce a 69% reduction in the number of multiple purchases from 1996 to 1998, the vast majority of which were straw purchases — firearms illegally purchased by one person for another who is prohibited from possessing a firearm. Multiple straw purchases have also been reduced 69% as a result of the Gun Violence Act of 1996.

The Annotated Code of Maryland, Article 27, Sections 441- 449 describe the aforementioned laws.

**Multiple Sales Applications &  
Guns Sold Through Multiple Sales**



## **Part II. Maryland CEASEFIRE Gun Enforcement Strategy**

### **A. Make Guns Safer**

- Require trigger locks and internal mechanical locks
- Mandate Childproof, Smart Guns
- Ban sale of the most dangerous weapons

### **B. Fingerprint Guns before They are Sold**

- Require pre-sale ballistics fingerprinting, including shell casings and slugs

### **C. Audit Firearms Dealers**

- Hold dealers accountable for fully enforcing gun laws

### **D. Keep Guns Out of the Hands of Criminals and Juveniles**

- Enforce background check and waiting period
- Enforce carry permit review process
- Enforce timely, accurate data entry and service of protective orders
- Enforce Child Access Prevention Law
- Extend prohibition on purchases by juvenile offenders

### **E. Trace All Recovered Firearms, Casings, and Bullets**

- Identify violent offenders who commit crimes with guns
- Identify illegal gun traffickers

### **F. Target Gun Offenders for Enhanced Prosecution, Sentencing and Supervision**

- Support Comprehensive, Coordinated Gun Enforcement Strategies
- Enhanced Gun Offender Sentencing Program
- Enhance penalties for violent offenders who use guns
- Provide intensive supervision for gun offenders on probation or parole

### **G. Train Firearms Dealers and Law Enforcement**

- Ensure dealers and police have full knowledge of gun laws

### **H. Enhance Offender and Public Awareness of Gun Laws and Enforcement Initiatives**

- Publicize enforcement initiatives, mandatory sentences
- Encourage citizens to report illegal guns

## A. Make Guns Safer

### *Require trigger locks and internal mechanical locks*

### *Mandate Childproof, Smart Guns*

### *Ban sale of the most dangerous weapons*

Responsibility for preventing gun deaths begins with gun manufacturers. Over the years, firearms makers have made dramatic advances in technology: today's guns can fire more bullets faster, they are more accurate over longer distances, they have high-powered and laser scopes to help zoom in on targets, and they can fire rounds that can rip through bulletproof vests.

Gun manufacturers have used technology to make their weapons more deadly. It is time now for the industry to apply the same innovation to make guns safer.

On June 5, 1999, Governor Glendening signed an Executive Order establishing the Governor's Task Force on Childproof Guns and charged it to develop legislation to prevent the unintentional and criminal misuse of handguns by children and other unauthorized users. The Task Force consisted of 21 members, with representatives from the law enforcement and prosecution, the health and religious communities, victims of crime, and the Maryland General Assembly. The Task Force, chaired by Col. David B. Mitchell, Superintendent of the Maryland State Police, convened six meetings and five public hearings, taking testimony from citizens concerned about gun violence and experts in weapons technology.

The work of the task force resulted in the Responsible Gun Safety Act of 2000 (SB211/HB279), introduced by the Glendening-Townsend Administration in January 2000. The bill requires several measures designed to reduce intentional and accidental use of firearms:

- The Act requires by January 1, 2002, any new handguns sold in Maryland to be equipped with an **integrated mechanical safety device** to prevent children and other unauthorized users from firing the handgun.
- The bill requires that a person may not sell or offer for sale in Maryland a handgun manufactured after May 31, 2003 unless it is manufactured with incorporated design technology allowing the handgun to be **fired only by authorized users**, if such technology is commercially available.
- The Responsible Gun Safety Act will **enhance existing gun laws and increase enforcement to protect children** by placing a mandatory minimum sentence of 5 years for the illegal possession of a firearm by a felon previously convicted for a violent crime or drug offense. This penalty is similar to the federal penalty used by federal prosecutors in **Project Disarm and Project Exile**.
- The Responsible Gun Safety Act **provides "CEASEFIRE" grant funds** to enforce existing gun laws and innovative local law enforcement initiatives and programs, such as the Federal DISARM Program and Baltimore City's Firearms Investigation and Violence Enforcement (FIVE) Unit. The Administration's FY 2001 budget provides \$1 million for CeaseFire grants.
- The Responsible Gun Safety Act will also prohibit any person who as a **juvenile committed a violent delinquent act** from possessing a handgun until age 30.
- The Administration bill requires that all **guns seized**, confiscated and subject to forfeiture to or by any law enforcement agencies in the State shall be destroyed or retained for the official law enforcement use.

- The bill requires ballistics fingerprinting of all new handguns prior to sale. Firearm dealers will be required to collect and provide certain handgun identification information to the Maryland State Police.
- Under the bill, the Police Training Commission will be required to develop gun safety standards. By January 1, 2002, all gun purchasers will be required to submit evidence of certified firearms safety training.

The Glendening-Townsend Administration's FY 2001 budget also includes the first year of a three-year \$3 million commitment to the gun industry to assist with the research and development of safer guns.

In addition, a second Administration bill, SB209/HB280, provides for a tax credit for the purchase of gun safes/vaults and locking devices for all firearms. The credit is contingent on the passage of the Responsible Gun Safety Act.

Under Maryland law, the most dangerous kinds of firearms may not be sold at all. The Handgun Roster Board, established in 1985, controls what regulated firearms a Firearms Dealer may sell. The Handgun Roster Board considers the following characteristics of a handgun in determining whether any handgun should be placed on the handgun roster, allowing it to be sold; 1. Conceivability; 2. Ballistic accuracy; 3. Weight; 4. Qualities of materials; 5. quality of manufacture; 6. Reliability as to safety; 7. Caliber; 8. Detectability by the standard security equipment commonly used at airport or courthouses and approved by the FAA for use at U.S. airport; and, 9. Utilities for legitimate sporting activities, self-protection, or law enforcement.

There is currently a ban on 16 types of assault pistols, their copies and ammunition magazines with over 20 rounds. The ban prohibits possession, sale, transfer purchase or receipt of assault pistols within the state.



## **B. Fingerprint Guns Before They are Sold**

### ***Require pre-sale ballistics fingerprinting, including shell casings and slugs***

A significant component of the Responsible Gun Safety Act of 2000, which is being deliberated by the current session of the General Assembly, is the provision which requires the "Ballistic Fingerprinting" of all handguns sold in this State. The success of current computerized ballistic identification programs is undisputed, and is discussed later in this strategy update. Existing programs are, however, limited by the fact that they are reactive. Those programs compare questioned shell casings and projectiles recovered at crime scenes to known shell casings and projectiles from weapons previously taken into custody by police. The fingerprinting of all new weapons sold in this state will build upon the existing database by including the ballistic characteristics of the approximately 20,000 new handguns delivered by Maryland firearms dealers each year. Statistics provided by the Bureau of Alcohol, Tobacco, and Firearms reveal that Maryland, like most other states, is the primary source of its own "crime guns". Each year, on average, approximately 70 to 80 percent of all "crime guns" recovered in Maryland were sold by Maryland firearms dealers.

The "Ballistic Fingerprinting" of new handguns will be mandated by current legislation and will be transparent to the purchasers of new firearms. Handgun manufacturers will be required to deliver a projectile and shell casing from each new weapon to be sold in this state packaged with that weapon. Many manufacturers who were contacted have indicated a willingness to comply with this provision as they currently test fire each new weapon. This initiative would only require that they recover and package the shell casing and projectile at the test firing stage of their quality control process. When the weapon is actually sold to a Maryland purchaser, the prepackaged shell casing and projectile would be delivered to the Maryland State Police for entry into the computerized ballistic identification system utilized by the four law enforcement crime laboratories which currently exist throughout the state. After entry into the system, should the weapon be stolen or should it be recovered by law enforcement, it can be ballistically compared by laboratory computers to determine if it was used in a violent crime.

The existing system has resulted in approximately 2,500 ballistic matches of firearms with crimes that would have gone unresolved or unknown to have been related without the system. This enhancement to existing law will only serve to strengthen the ability of law enforcement to those who would use firearms illegally.

## C. Audit Firearms Dealers

### *Hold dealers accountable for fully enforcing gun laws*

Gun laws place certain requirements on firearms dealers concerning procedures and record-keeping. Regular inspections for compliance with these requirements is a key element of Maryland CEASEFIRE. Dealer audits help identify dealers who require more training or who may be violating the law.

Sloppy paperwork is a key indicator of potentially illegal activity. For example, one gun dealer audit uncovered applications which had not been forwarded for background checks and fictitious transfers. Based on this information, the Firearms Investigation Unit conducted an investigation and sting operation resulting in a search and seizure warrant. The dealer's inventory was seized, his license revoked, and he was criminally convicted.

The MSP Dealer Audit Unit has developed a watchful but respectful working relationship with the 312 Maryland Regulated Firearms Dealers. Over two hundred dealers were audited in 1999. The Auditor identified 48 dealers with discrepancies severe enough to warrant a follow-up audit. At least twenty-eight of these dealers had to be referred to the Cease Fire Unit for investigation and nine were referred to the Bureau of Alcohol, Tobacco and Firearms for review. In March, 2000, the Maryland State Police doubled its dealer audit capacity.

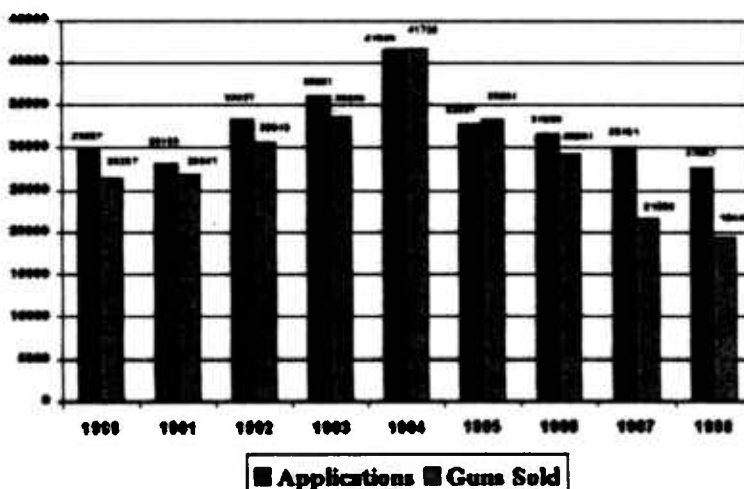
## D. Keep Guns Out of the Hands of Criminals and Juveniles

### *Enforce background check and waiting period*

Federal law requires a background check for every person applying to purchase a firearm from a licensed firearm dealer. Maryland law requires similar background checks for all purchases of regulated firearms, whether from a dealer or not; these background checks must be accomplished within 7 days or the gun can be transferred. The required background investigation involves checking multiple databases to determine whether the applicant is prohibited from purchasing or possessing a regulated firearm. This system poses some significant challenges associated with managing a large flow of information in a timely fashion.

The Firearms Registration Section is the entity within the Maryland State Police which is responsible for applications to purchase firearms. In early 1999, it was widely reported that the Firearms Registration Section was not completing background investigations of firearms applicants within the seven-day period mandated by law. Through a concerted effort and organizational changes this delay was eliminated. By May, 1999, all firearm applications were being processed within seven days.

### Firearm Purchase Activity 1990-1998



Source: Firearms Registration Section

The Firearms Registration Section also has continued to work closely with computer programmers from the Department of Public Safety and Correctional Services in an effort to improve the State's firearm database, known as the Maryland Automated Firearms Services System (also known as MGUN). The enhanced system is expected to be completed by the spring of 2000. The new system will be more user friendly for both the police officer on patrol who needs to query the system and for the members of the Firearms Registration Section who enter tens of thousands of firearm related records into the database each year.

The following statistics offer a small picture of the scale of the work associated with firearms registration. In 1999, the Firearms Registration Section:

- Processed 33,038 regulated firearm applications.
- Placed a total of 3,680 applications on hold for further investigation by the Section due to applicants having open disposition of criminal proceedings.
- Disapproved 592 regulated firearm applications due to applicants being prohibited by law from possessing firearms.
- Processed 638 individuals as regulated firearm collectors.
- Processed 20 new Regulated Firearms Dealers.
- Renewed 305 Regulated Firearms Dealer Licenses.
- Processed 1075 annual machine gun registrations and registered 206 new machine gun registrations.
- Referred over 600 investigations to the Firearms Investigation Unit.

It is important to note that in Maryland, unlike in many states, when an application is disapproved because the purchaser is legally prohibited from purchasing a firearm, the MSP Firearms Investigation Unit investigates the incident and works with local State's Attorneys to prosecute violators where appropriate. In 1999, there were 592 such disapprovals.

#### ***Enforce carry permit review process***

The Maryland State Police, Licensing Division, Handgun Permit Section regulates the Handgun Permit Process, as delineated in Article 27, Section 36E, the Maryland Handgun Permit Law. The law provides that a permit to carry a handgun shall be issued within a reasonable time, upon application. The individual applying for the permit must submit the required application, fingerprints, and a non-refundable check or money order. There may be limitations placed on the permit and the permit may be revoked at any time.

To obtain a permit, an individual must:

- be 18 years of age or older;
- not have been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than one year has been imposed;
- not have been committed to any detention, training, or correctional institution for juveniles for longer than one year after an adjudication of delinquency by a juvenile court;
- not have been convicted of any offense involving the possession, use, or distribution of controlled dangerous substances; and,
- not presently be an addict, an habitual user of any controlled dangerous substance not under legitimate medical direction, or an alcoholic.

Further, the investigation must not reveal a propensity for violence or instability, which may reasonably render his possession of a handgun a danger to himself or others.

Importantly, in Maryland, unlike many states, the burden of proof is on the individual applying for the permit to meet established criteria for wearing, carrying or transporting a handgun. Once a permit is issued it must be carried in his/her possession every time he/she carries, wears, or transports the handgun.

During 1999 there were 4,501 handgun permits issued. It is anticipated that 4,500 handgun permits will be issued for the year 2000. This includes both initial and renewal permits.

### ***Enforce timely, accurate data entry and service of protective orders***

Recent events in Maryland have pointed out the deadly and volatile potential for tragedy when guns and domestic violence mix. Since 1996, individuals who are respondents in civil protective orders have been prohibited from purchasing or possessing any firearm. In 1999, about 50 individuals in Maryland who were the subject of protective orders attempted to purchase weapons after the protective orders had been served and they no longer had the right to possess firearms during the term of the order.

In Maryland, civil protective orders are issued by the Court (primarily by the District Court). They are then, entered into the MILES/NCIC database and served by 31 sheriffs and police departments across the state. There are multiple points where this process can break down. In the fall, 1999, there was considerable publicity about gaps and delays in this system. The problems and solutions fell into three basic categories: training and auditing, resources for local law enforcement and data collection.

To rectify these problems, the following steps were taken:

- Col. David Mitchell and the Maryland Family Violence Council convened a Domestic Violence Protective Order Task Force including courts, law enforcement, and other agencies to assess the problems and recommend solutions.
- Training was developed and delivered for data entry, courts and law enforcement personnel. Delivery of this training is ongoing.
- Maryland State Police audits of local police departments were accelerated and enhanced to focus on this issue.
- Emergency grant support was provided by the Governor's Office of Crime Control & Prevention to six local law enforcement agencies to eliminate backlogs of protective orders.
- Changes were made to the MILES system to allow entry of protective orders even if they lacked all fields required by NCIC.
- In the long term, the Task Force recommended the implementation of a data system to directly enter court information into the MILES database, eliminating the intermediate step of local law enforcement reentering information. Administration legislation proposed in the 2000 general Assembly would establish a Commission on Public Safety Technology which will coordinate and develop standards to ensure that data systems are compatible and interoperable. An important area of focus for the Commission would be on the intersection between different data systems which is essential for keeping guns out of the hands of individuals who are the subject of protective orders.

### ***Enforce Child Access Prevention Law***

There is frequent debate on the manner in which government can best protect its citizens from firearm violence; what is not in debate is that unrestricted access to firearms by minors is a sure recipe for disaster. The Gun Violence Act of 1996, established legislation which created the misdemeanor law which makes it unlawful for any individual to leave a firearm in any place that they knew, or should have known, that a child under the age of sixteen can access that firearm. This law, contained in Article 27, Section 36 K, is punishable by a \$ 1,000.00 fine.

It is incumbent upon all of us to ensure that all of our citizens are made aware of this law and that there is increased emphasis and sensitivity to the ramifications of violating this it. Children are our most precious resource and must be protected. Through training provided to law enforcement and prosecutors and through increasing public awareness of this issue and its consistently violent potential we will continue to address the safety of our children.

***Extend prohibition on purchase by juvenile offenders***

Maryland has consistently been among the nation's leaders in reasonable firearms legislation. Many of the provisions of the "Brady Bill" which restrict the sale of handguns to certain prohibited individuals, have been in place in Maryland since 1966. The Governor and Lt. Governor's ongoing review of issues which will improve the quality of life for our citizens have identified other areas of the law which need to be addressed. This provision of the Responsible Gun Safety Act of 2000 will eliminate the ability of a juvenile who has been convicted of a "crime of violence" as defined in Article 27 Section 643B, from purchasing a firearm until he reaches the age of thirty. This law recognizes the potential of juvenile offenders, during what is statistically the most volatile time of their lives, to continue their violent behavior into their twenties. The law also does not prohibit a juvenile who has committed a minor offense from purchasing a firearm, nor does it deny the rehabilitative efforts of any individual to change from criminal behavior to a productive lifestyle. This statute will prevent those juveniles who have perpetrated acts of violence from purchasing firearms until such time that they have proven by their actions that they are responsible adults, capable of accepting the significant responsibility of firearm ownership.

## E. Trace All Recovered Firearms, Casings, and Bullets

### *Identify violent offenders who commit crimes with guns*

When a handgun, shell-casings, or a bullet are recovered at the scene of a crime, investigators are provided with a potentially crucial piece of evidence. Studies have shown that no two firearms, even those of the same make and model will produce the same unique marks on fired bullets and cartridge cases. Manufacturing processes, use, and abuse leave surface characteristics within the firearm that cannot be exactly reproduced in other firearms.

Furthermore, firearms do not normally change much over time. This allows for firearms recovered months or even years after a shooting to be identified as having fired a specific bullet or cartridge case. Tests have been conducted that found that even after firing several hundred rounds through a firearm the last bullet fired could still be identified to the first.

While not all firearms leave consistent reproducible marks, overall examinations have revealed that around eighty percent of the firearms examined produce what is sometimes called a "mechanical fingerprint" on the bullets and cartridge cases that pass through them. The firearms which do not tend to produce a "fingerprint" are typically smaller caliber and seldom used in violent crimes.

Working from the basic principle that handguns leave a unique "fingerprint" on bullets and shell casings, this component of Maryland CEASEFIRE seeks to maximize the use of this information to apprehend gun criminals using available systems including Drugfire and IBIS. Both these systems are maintained by federal law enforcement agencies (FBI and ATF respectively) and test and compare multiple shell casings and projectiles to determine if they come from the same gun. This can provide critical investigative information.

For example, when a State Police Trooper was "shot at" on his way home from work, shell casings were recovered at the scene. More than a year later, a gun was found by a passerby on the side of a railroad track. The gun was test fired, and the casings were matched to those recovered at the scene of the shooting. A trace of the gun through the Bureau of Alcohol, Tobacco, and Firearms identified the original purchaser as a Delaware man. This provided an important lead for detectives in an investigation which ultimately resulted in the arrest and conviction of a narcotics trafficking ring.

Simply put, when a shell casing or bullet is recovered at a crime scene, digital photographs are taken and placed into a computer database. These digital images are then computer-analyzed to provide the examiner with a list of possible "hits" for further examination. This technology, unheard of just a few years ago, provides the examiner with the opportunity to search for possible identifications on fired evidence bullets and cartridge cases in the laboratory as well as at other laboratories who are connected on the system. A current study is underway, in the United States, to identify the possibility of interconnecting both Drugfire and IBIS into the National Integrated Ballistics Identification Network (NIBIN).

Since the inception of the current Drugfire system throughout this state in 1994, over 43,000 shell casings and 8,300 projectiles have been entered into the system. These entries have resulted in matching known casings and projectiles to nearly 2,500 cases in which the weapon used was previously unknown.

### ***Identify illegal gun traffickers***

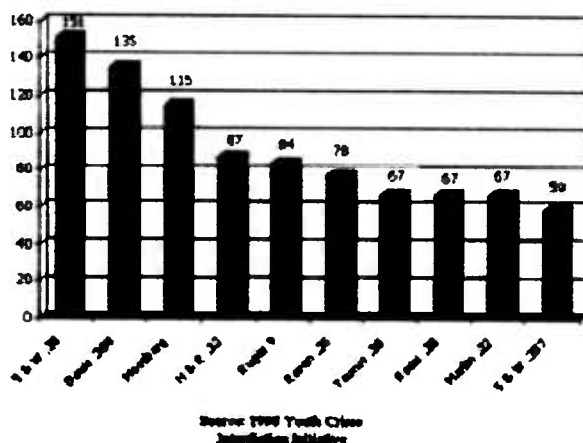
#### **Firearms Trafficking Patterns**

Tracing is key to targeting illegal trafficking patterns. Illegal firearms' trafficking is the movement of firearms from the legal to illegal marketplace through an illicit method for an unlawful purpose, usually to obtain profit, power, or prestige or to supply firearms to criminals or juveniles. At some point, every illegally trafficked firearm originates from a federal firearms licensee.

The presence or lack of, state and local law determines whether a location serves as a source area or a market area in the illegal world of firearm trafficking. A source area usually serves as a place where individuals obtain firearms, especially handguns, more easily due to less stringent state or local firearm laws. By comparison, in a market area, firearms are often not readily accessible. As a result, illegally trafficked firearms remain a commodity, sought by those engaged in criminal activities. A symbiotic relationship between a market and source area exists based on the principles of supply and demand.

Firearms trafficking investigations constitute more than paper cases. In addition to documenting a paper trail, investigators must perform intelligent, attentive, and disciplined analysis of trafficking patterns, interview individuals associated with recoveries, and cultivate informants and undercover contacts.

### **Top 10 Recovered MD Crime Guns**



#### **Universal Firearms Tracing**

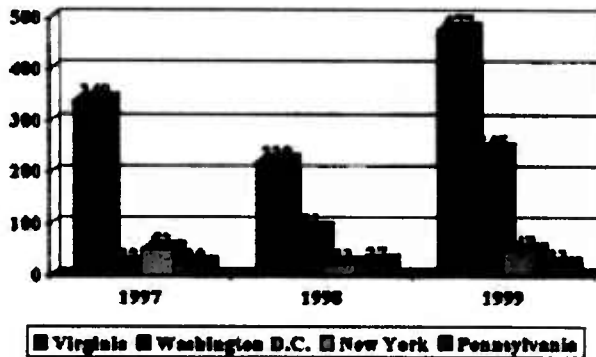
Crime gun tracing is the systematic tracking of firearms from manufacturer to purchaser. Firearm tracing serves two primary functions. First, tracing enables law enforcement officials to reconstruct the history of a firearm associated with a crime. This traditional, incident-driven trace may lead to the apprehension of suspects, the identification of potential witnesses, and the discovery of other persons who may be associated with the crime under investigation. The trace may also reveal evidence for other cases and disclose crimes that previously had been undetected. Firearms tracing is available to every law enforcement agency in Maryland.

The second emerging function of firearm tracing is the identification of patterns of illegal gun trafficking. Gun tracing can facilitate development of predictive indicators for trafficking schemes at an early stage. This includes but is not limited to patterns of partially or completely obliterated serial numbers of



firearms, multiple sales of firearms to purchasers, patterns of thefts from Federal Firearm Licensees (FFL's), and multiple traces to the same FFL or purchaser are highly significant predictors of gun-related crime. By examining patterns in aggregates of traces, gun tracing can help identify opportunities for intervention on the supply side of illegal firearm markets. Such intervention can then reduce further trafficking and associated violent crime.

### Firearms Sold in MD and Recovered and Traced Outside of MD

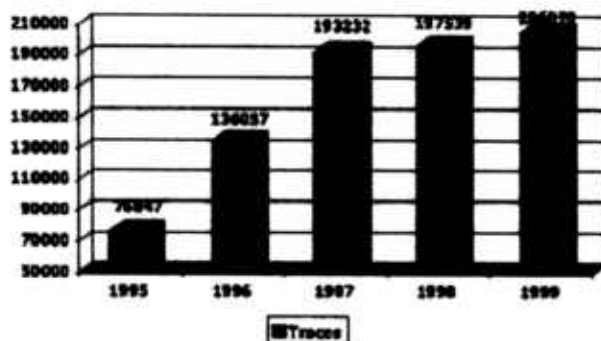


Essential to these efforts is comprehensive tracing of the guns through the U.S. Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms (ATF) National Tracing Center (NTC). Law enforcement across the nation has made increasing use of the NTC. The increasing number of traces indicated in the figures accompanying this section helps to create an increasingly complete picture of sources of crime guns. Crime gun tracing and trace analysis can link crime gun sellers, purchasers, and possessors across jurisdictions, including identifying suspects who may be serving as "straw purchasers" for those who are linked to gun trafficking and firearm violence. Purchasers and dealers of large numbers of crime guns over extended periods of time can be tracked through gun crime databases.

To initiate a trace on a gun used in a crime, the requesting agency, typically a local police department furnishes firearms, possession, and incident description information to the National Tracing Center. Firearms without at least a partial serial number cannot be traced, although ATF and many police laboratories have the capacity to restore obliterated serial numbers. The National Tracing Center communicates the trace request to the gun manufacturer, who is required to provide the name of the wholesale/retail distributor and the date of transfer. The chain of wholesale/retail transactions is then followed to the extent possible from point of sale to the first retail purchaser. Further investigative tracing of crime guns is at the discretion of the National Tracing Center and depends on the significance of the individual investigation and the availability of special agent resources.

Maryland's Crime Gun Violence Analysis Unit has established and maintained a close working relationship with the Bureau of Alcohol, Tobacco and Firearms and has been invited, as the only outside law enforcement agency, to have access to a national database of information pertaining to firearms seizures. As a part of this alliance, a great deal of intelligence information and problem identification has taken place allowing for a more effective use of existing resources.

### BATF - National Tracing Center Trace Requests for Recovered Firearms



Source: 1998 Youth Crime  
Intelligence Initiative

## **F. Target Gun Offenders for Enhanced Prosecution, Sentencing and Supervision**

Maryland CEASEFIRE places special focus on enhanced targeting of violent gun offenders. This requires a close and coordinated working relationship between local, state and federal law enforcement. The teamwork of many key agencies — Maryland State Police, U.S. Attorney's Office, Bureau of Alcohol, Tobacco and Firearms (ATF), Federal Bureau of Investigation (FBI), Customs, and local law enforcement and prosecution — is the foundation on which Maryland CEASEFIRE builds. Policing and prosecution can each focus in strategic ways on the relatively small group of violent offenders and gun offenders who account for a large proportion of gun crime. This section describes a few of the existing initiatives and processes which target these offenders.

### ***Support comprehensive, coordinated gun enforcement strategies***

#### **Maryland State Police Enforcement Initiatives**

In the past several years, the Maryland State Police has undertaken a range of organizational and policy changes to maximize its ability to target gun offenders and to assist local jurisdictions in doing so.

- The Maryland State Police instituted a 100% policy concerning the tracing of firearms seized by troopers. Under the modifications made to department policy the Firearms Investigation Unit receives a report of all firearms seizures, then initiates a trace of the firearm through the Bureau of Alcohol, Tobacco and Firearms (ATF).
- The trace is conducted via the National Law Enforcement Telecommunications System (NLETS) Computer. The capability to submit trace requests electronically was initiated and designed through ATF's engagement with Maryland CEASEFIRE and is available to all users of the NLETS system. Once a trace is received at the Intelligence Division, it is processed and evaluated for investigative leads. A copy of the trace report is then sent to the seizing officer/trooper.
- Maryland Cease Fire worked with the Maryland State Police Communications Services Division and the Bureau of Alcohol Tobacco and Firearms National Tracing Center in Martinsburg, West Virginia to develop FIRE, an additional online tracing capability for Maryland Law Enforcement agencies utilizing the National Law Enforcement Telecommunications System. This tracing capability is accessible via any Maryland Interagency Law Enforcement System (MILES) computer. All law enforcement agencies in Maryland have access to this system. This program has allowed law enforcement personnel to trace virtually any weapon coming into their possession via MILES terminal. Any officer throughout the State can enter the weapon descriptors into the tracing field on the computer and submit a trace request.
- A new facet of this program will be an instant trace of the firearm through the Maryland State Police Firearms Identification System (MGUN). The system will check the firearm to see if it is stolen and will automatically send the information to the Maryland State Police Intelligence Division for evaluation. The trace results will then be mailed to the requesting agency as well as the Baltimore/Washington HIDTA intelligence officer. The HIDTA intelligence officer will then share this information with the Maryland State Police Criminal Intelligence Division.

- Liaisons with numerous allied state and federal agencies were strengthened through a series of Weapons Enforcement Information Sharing Conferences. Several initiatives grew out of these conferences, including:

\*MSP learned that the Metropolitan Washington Police Department was recovering a large number of weapons that had been originally purchased in Maryland. Maryland and Washington teamed up to create a "border patrol" to focus on gun stores in Maryland which were frequented by DC criminals.

\*MSP learned that a large number of firearms purchased in Maryland are being shipped to foreign countries that prohibit this activity. Maryland Cease Fire and United States Customs Service worked together to identify these smugglers and curb the flow of firearms from Maryland to foreign countries.

- The Maryland State Police Firearms Investigation Unit re-established office facilities centrally located within minutes of Baltimore City and Washington D.C. as well as most of the identified suppliers of crime guns in Maryland and Washington D.C. Communications for the unit has been modernized utilizing message display pagers. With the placement of the Firearms Investigation Unit within a State Police installation housing criminal investigators, the unit can draw from a pool of highly trained investigators for assistance.

Maryland CEASEFIRE worked to link all gun shops and pawnshops via fax machine. This program was established so that information on stolen firearms can be provided to licensed gun purchasers in a timely fashion thus allowing for over four hundred "sources" of information has potentially closing down one way a criminal has to dispose of a firearm. The program notified gun shops when other guns shops have fallen victim to burglaries.

#### **MSP Firearms Enforcement Division**

The importance of reducing gun violence in Maryland has been highlighted by organizational structure and budgetary resources. In July, 1998, Lt. Governor Kathleen Kennedy Townsend, Superintendent David B. Mitchell joined President Clinton in a White House ceremony to announce the establishment of the Office of Crime Gun Enforcement. The MSP's Firearms Enforcement Division was created in 1999, incorporating the Office of Crime Gun Enforcement, Firearms Registration Section, Dealer Audit Unit, Crime Gun Analysis Unit and Firearms Investigation Unit. This unified command and control of gun enforcement efforts promotes a seamless and comprehensive approach to reducing gun violence.

In 1999, the Firearms Enforcement Division received an additional \$1 million in to support the implementation of the Maryland CEASEFIRE strategy including the development of the Maryland Enhanced Sentencing Program and expanded dealer audits.

#### **Project DISARM**

DISARM is a cooperative federal and local law enforcement effort designed to reduce firearms related violence. DISARM targets for federal prosecution those individuals arrested with a gun who have a substantial record of violent crime or drug trafficking. In Federal court, these felons face up to life imprisonment and mandatory minimums for gun possession, including a minimum sentence of 15 years for gun possession associated with three prior felonies.

Project DISARM began in 1994 in Baltimore City as a joint effort of the U.S. Attorney's Office (USAO), the Baltimore Police Department, the Baltimore City State's Attorney's Office and the local office of the Bureau of Alcohol, Tobacco, and Firearms (ATF). It now encompasses the Baltimore-Washington Metropolitan area and is available to any jurisdiction in Maryland.

The procedure for DISARM cases is as follows. Any individual with at least one prior violent crime or narcotics felony conviction that is arrested with a firearm in his or her possession will be considered a DISARM target, although normally a defendant must have two prior qualifying felonies before a Federal prosecution will be authorized. Federal prosecution of a defendant with one prior qualifying felony can be authorized if the police department or State's Attorney's believes that special circumstances justify a Federal prosecution. The cases are initially screened by personnel assigned to the ATF's HIDTA program and then referred to the U.S. Attorney's Office and the State's Attorney's Office for review.

Project DISARM has focused particular attention on Baltimore City, which accounts for more than half of the gun crime in Maryland. Every arrest involving a firearm that occurs in Baltimore City is reviewed for DISARM prosecution. Cases involving the use of firearms generally remain in State court for prosecution under a Maryland statute that requires at least five years imprisonment without parole when the firearm is used in an offense. The State's Attorney for Baltimore City has created a team of prosecutors, the "FIVE Unit," that focuses on these cases. (See below)

DISARM, in turn, pays special attention to "stand alone" gun cases where the principal violation involves possession of a firearm by a prohibited felon. The criminal records of all firearm offenders arrested in Baltimore are reviewed by DISARM investigators (city police and ATF agents) who within days of the arrest present qualifying cases to the U.S. Attorney's Office where they are evaluated for legal and factual sufficiency before being presented to a federal grand jury for indictment.

DISARM across the State focuses on individuals arrested with a gun who have two or more previous felony convictions for violent crimes or drug trafficking. In Baltimore City, a special program — known as DISARM Plus — focuses on areas where firearm violence is most pervasive and requires only one prior felony conviction to qualify. This enhancement was begun on a pilot basis in the Southwestern District of Baltimore City in June, 1999 with very encouraging results and was expanded to citywide in February, 2000.

Once an individual has been identified, the DISARM squad consults with the U.S. Attorney's Office (USAO) and the State's Attorney's Office to consider such factors as the circumstances surrounding the arrest, the offender's prior record, and the quality and admissibility of the evidence. The primary yardstick is where can an individual get the longest sentence possible — the state system or the federal system? If the underlying arrest is only the possession of the firearm or ammunition or some misdemeanor offense, then normally the federal system will afford the longer period of incarceration due to the often mandatory sentences required under federal firearms laws and sentencing guidelines. If there are more serious state charges pending, then the state may pursue the case if a longer sentence is more likely.

DISARM also allows for coordination between state and federal prosecution even in cases that are not pursued federally. In some cases it has been possible to present the possibility of DISARM prosecution to a defendant in order to induce pleas in state court to higher than normal state sentences. Cooperation provided by offenders prosecuted under DISARM has also been an effective tool in obtaining valuable information about other violent offenders and illegal narcotics operations.

All of these factors are weighed to get the maximum benefit possible from the two systems. To increase the probability that the right forum is chosen, an Assistant State's Attorney from Baltimore City is cross-designated as a Special Assistant U.S. Attorney and serves as the primary contact for the DISARM program. Additional State's Attorneys are being hired.

Similar units operate in the other jurisdictions in the Baltimore/Washington area, though they are not always as structured. In each case, however, there is an ATF agent working with local police and an Assistant U.S. Attorney consulting with a local prosecutor to conduct the same evaluation.

The following statistics summarize the impact of Project DISARM:

- Since its inception, approximately 250 cases have been adopted federally through DISARM. Sentences upon conviction have averaged more than eight years and have ranged from five years to life in prison.
- In 1995, when the Office focused on the "worst of the worst," the average sentence imposed was 134 months (11.2 years). In 1998, after DISARM was expanded to include many more offenders, including some with only one prior violent felony or drug trafficking conviction, the defendants received an average sentence of 94 months (7.8 years).
- In 1999, the number of DISARM indictments by the Baltimore Office of the USAO increased by 66%.
- 32% of all 1999 USAO Northern Division Baltimore Office indictments and 59% of the Office's Violent Crimes Narcotics Section indictments were brought under DISARM.
- 75% of all DISARM defendants arrested in 1999 were detained pending trial. 100% of the 1999 DISARM defendants had at least one prior felony conviction for a crime of violence or drug trafficking offense.

#### Operation Safe Neighborhoods

Operation Safe Neighborhoods endeavors to prevent serious violence, primarily gun violence, in Baltimore City. Following a process pioneered in Boston and since then successfully pursued in a number of other jurisdictions, Operation Safe Neighborhoods involves a wide variety of law enforcement agencies and community participants; conducts detailed research into violence in Baltimore; convenes a working group of law enforcement personnel to design a strategic law enforcement response to the violence problem; and implements a violence-prevention intervention designed to have a powerful and rapid impact. Operation Safe Neighborhoods is currently in the early stages of implementing the intervention.

#### Operation Safe Neighborhoods Partners

Law enforcement agencies actively participating in Operation Safe Neighborhoods include the Baltimore Police Department, the State Attorney's Office, the Office of the U.S. Attorney, the Division of Probation and Parole, Federal Probation, ATF, DEA, FBI, Hot Spots, the U.S. Marshall's Service, and the Baltimore/Washington HIDTA. The community is actively supporting Operation Safe Neighborhoods through a message of "compassionate intolerance." Through the Safe and Sound campaign the community is mobilized for action including faith, business, philanthropic and service organizations as well as community residents themselves.

#### The research: violence in Baltimore

Operation Safe Neighborhoods research shows that violence in Baltimore flows from a particularly active and chaotic street drug scene. Three to four hundred drug dealing groups, with 3000 - 4000 core members -- many of whom are chronic offenders -- are active in the city. Half of all homicide suspects and more than a third of victims are involved in these groups. A majority of homicides occur in street drug markets. While those involved in drug trafficking drive the violence only about a fifth of the violence is directly connected

with the drug business; other kinds of group and personal disputes are responsible for much of the violence. Armed robbers operating in the drug markets, or "stickup boys," are a pervasive problem in Baltimore City, both killing and being killed regularly. Nearly 90% of suspects and three-quarters of victims have arrest records (suspects with records average 10 priors, victims 8), and 80% of suspects and 70% of victims have been under juvenile or adult probation, and/or been incarcerated.

### The Intervention

Operation Safe Neighborhoods is designed to deter violent offending by this core group. Most fundamentally, it is designed to alter conditions on the streets and the norms and expectations amongst this core group, in ways that will lead to sustainable reductions in violence. There is a cycle of violence currently operating in high levels of risk and fear lead to gun acquisition and use, and to pro-violence norms among core offenders. More gun acquisition and use lead to further violence and to high levels of risk and fear, which continue the cycle. Operation Safe Neighborhoods is designed to use strategic enforcement, direct communication with offenders, and the strategic provision of services to dramatically reduce violence and thereby interrupt this cycle. It is also designed to address illegal firearms trafficking and the stickup boy problem.

Operation Safe Neighborhood's strategic enforcement component is designed to send an extremely powerful deterrent signal directly to core offenders. Representatives of participating agencies meet directly with probationers and parolees in particular areas and tell them in very plain terms that violence is no longer tolerable and that violent groups in the area, and those involved in the drug trade that is driving the violence, will be subject to unprecedented interagency attention if violence continues. It is explicitly stated that other, "baseline" enforcement on drug and other crime will continue, but that violence will bring special and higher-level enforcement. In the same meetings, service providers, clergy, and community figures both reinforce the "no violence" message and offer a wide variety of services. The "no violence" message is reinforced through large numbers of home visits to probationers and parolees in the area, and is known as "compassionate intolerance". The intent is to create a powerful and chilling effect on violence in the area.

When violence occurs, special enforcement attention is delivered, and the direct communication process is repeated. This process is sustained until violence is controlled in the area. Operation Safe Neighborhoods, while maintaining the original area(s), then expands into additional areas. Operation Safe Neighborhoods is thus designed to be implemented in serial fashion in particular geographic areas until the entire city of Baltimore is included and violence is reduced throughout the city.

In addition to this core violence deterrence strategy, Operation Safe Neighborhoods is also focusing on firearms traffickers supplying weapons to offenders in target areas, and soliciting information that will allow stickup boys to be identified and addressed.

Operation Safe Neighborhoods held its first offender call-in on February 23, 2000, in the Park Heights Neighborhood (attached are documents and flyers that were handed out in the call-in and during the associated probation/parole home visits).

## **OPERATION SAFE NEIGHBORHOODS: THE VIOLENCE WILL STOP**

Operation Safe neighborhoods is focusing on Park Heights. For the first time, all these agencies are working together, sharing information and focusing on violence:

- Baltimore Police Department
- Office of the State's Attorney
- Office of the United States Attorney
- Division of Parole and Probation
- Federal Probation
- Bureau of Alcohol, Tobacco, and Firearms
- Federal Bureau of Investigation
- Drug Enforcement Administration HotSpot Communities Initiative
- US Marshall's Service
- Baltimore/Washington High Intensity Drug Trafficking Area

The goal is to stop the violence. If the violence stops, Operation Safe Neighborhoods will focus elsewhere. Where there's violence, expect conspiracy cases against violent drug groups — the whole group goes — grand jury and federal indictments, high preset balls, mandatory state and federal sentences, tough federal prosecution of gun possession, and asset forfeiture. Probationers and parolees should expect strict supervision, revocation for technical violations, no bail pending trial for new offenses, and warrants, not summonses. No stets, no nolle process, nobody slides.

**THIS DOESN'T HAVE TO HAPPEN TO YOU. STOP THE VIOLENCE. PEOPLE WANT TO HELP YOU. PLEASE TAKE ADVANTAGE OF THE SERVICES THEY ARE OFFERING.**



**OPERATION SAFE NEIGHBORHOODS:  
THE VIOLENCE *WILL* STOP  
THE STARZ ORGANIZATION:  
OPERATING IN A VIOLENT AREA**

**CRIMINAL DRUG CONSPIRACY PROSECUTION**

**Marvin Davis: \$3 million bail, 10 years without parole:**

**50 pills**

**Michael Davis: \$3 million bail, 15 years, suspend all but 2:**

**1 pill**

**David Preston: 18 years, suspend all but 8:**

**1 pill**

**Lance Sturgis: 9 years, suspend all but 4:**

**28 pills**

**Nina Moss: 6 years, suspend all but 2:**

**18 pills**

**Mollie Lewis: 7 years, suspend all but 18 months:**

**29 pills**

**Edrick Lewis: 9 years, suspend all but 4:**

**6 pills**

**Cindy Sturgis: 6 years, suspend all but 1:**

**15 pills**

**Garlinda Thornton: 8 years, suspend all but 18 months:**

**NO pills**

**Yolanda Barret: 7 years, suspend all but 18 months:**

**NO pills**

**Grand jury indictments, high preset balls, held pending trial. Each person was convicted and will serve time for small quantities of drugs. Where there's violence, nobody slides.**

**THIS DOESN'T HAVE TO HAPPEN TO YOU. STOP THE VIOLENCE.**

### FIVE/SAVE - Enhanced Gun Prosecution

The Firearms Investigation Violence Enforcement (FIVE) Division and Stop Adolescent Violence Early (SAVE) both focus on serious violent offenders. FIVE was created in 1997 by the Baltimore State's Attorney's Office to prosecute Non-Fatal Injurious Shootings (NFIS) and specific handgun violations. Its success can be measured by the statistics generated in a 26 month period since its inception, during which it handled 669 serious cases. It obtained a successful Prosecution Rate of 80%, with 406 found guilty and an additional 92 resolved by federal indictment, conviction in another case, or otherwise.

Of those cases which were "stetted" or "not prossed," most were because of non-cooperative witnesses or legal insufficiency. Of the 406 guilty defendants, 272 were charged with NFIS felonies and 134 with handgun violations. In the shooting cases, 140 defendants received a mandatory minimum sentence of five years without parole and 122 received sentences of incarceration for 10 years or longer. FIVE has also obtained 17 sentences of 40 years to life in attempted murder cases and has prosecuted 19 "straw purchase" handgun cases.

This was accomplished with a division chief and five attorneys, but with full computer support for document production and information retrieval, plus a very good ratio of support staff to prosecutors, which enables the prosecutors to concentrate on trying cases.

SAVE brings a similar level of attention to the identification and prosecution of juveniles who pose a significant threat to the community. SAVE focuses on juveniles with a serious record of violent crime and delivers enhanced prosecution regardless of the presenting offense. For example, one youth was arrested for stealing a car, but had a long record of handgun and other charges. He was targeted for SAVE prosecution at this stage, rather than waiting for him to commit another violent crime.

The unit is now expanding into two sub-units with the following responsibilities: one attorney is responsible for prosecuting all cases involving 16 and 17 year old juveniles whose primary charge is a misdemeanor handgun violation within the original jurisdiction of the adult criminal court. The cases are arraigned and scheduled for trial in the Circuit Court. Another attorney is responsible for prosecuting all cases where juveniles under the age of 16 are charged within the original jurisdiction of the Juvenile Court with handguns as the primary or secondary charge. The SAVE unit works closely with the Firearms Investigation/Violence Enforcement (FIVE) Division and the Department of Juvenile Justice.

### Baltimore County Police Gun Squad

The Baltimore County Police Department established the department's Gun Squad as a pilot project in 1995 to respond to an increase in the number of crimes involving firearms. Members of the Gun Squad completed 6 months of training with ATF to learn firearm investigation techniques.

The Gun Squad began by focusing on residential Federal Firearms Licensees (FFL's) because home burglaries were a major source of illegal guns. The 1994 Omnibus Crime Bill included a provision that if a person holding an FFL was in violation of any local laws, the Federal license would not be renewed. Gun Squad officers, therefore, reviewed local laws and discovered a county ordinance prohibiting the operation of a business from the home. The Gun Squad asked county zoning officials to prepare a list of all FFL's operating in areas that were not zoned for business use; letters were sent to these individuals informing them that they were in violation of a county law and that their FFL's would not be renewed. Because of the group's work, the number of FFL's has been reduced from 404 in 1995 to about 75 dealers and 50 collectors in 1998.

The Gun Squad also has developed rapid response procedures to investigate suspected straw purchasers, many of whom have been identified from information given to police by gun dealers. The Gun Squad has spent years building a strong rapport with dealers. When a tip is received, the officers are able to conduct a background check and execute a search warrant within hours, making it more likely that the suspect will still have the weapons in his or her possession at the time of arrest.

Finally, when uniformed officers respond to a domestic violence call, they contact the Gun Squad if one of the parties has been threatened with a gun (even if the weapon is not visible at the time). The Gun Squad will run a profile on the suspect to determine whether there are legal reasons why the person may not own a gun (a prior felony conviction, for example) and, if there are, will come to the premises and seize the gun.

In 1996, the Gun Squad seized more than 300 weapons -- 25 percent of all weapons seized by county law enforcement; 260 weapons were seized in 1997<sup>1</sup>.

#### ***Enhanced gun offender sentencing program***

Maryland has in place a number of strong repeat offender laws. (See appendix B). These laws provide for mandatory sentencing of repeat offenders without parole based upon prior convictions and incarcerations for violent crimes, felony drug offenders, and certain handgun offenses. Although some of these laws have been in existence for over 20 years, their use has been limited. Recently, law enforcement and prosecutors have identified these laws as a pro-active measure which can be used to get the most violent and dangerous criminals off the streets.

The Enhanced Gun Offender Sentencing Program (EGOSP) will assist and train local law enforcement and prosecutors in the use of these laws. The program will establish a partnership between law enforcement agencies, MILES/CJIS, the Division of Corrections, Parole and Probation, the State's Attorney's Offices, and the Attorney General's Office.

EGOSP will modify the MILES computer system to flag and track repeat violent offenders who come into contact with the criminal justice system. It will alert law enforcement officers at the time of arrest whether an individual qualifies for these mandatory sentences by virtue of his/her prior record. It will also inform the Maryland State Police EGOSP unit of the offender's arrest. EGOSP will maintain a list of about 500 offenders across the state who are eligible upon arrest for minimum mandatory sentencing. Upon the arrest of one of these individuals by law enforcement, troopers assigned to EGOSP will provide assistance to local prosecutors and law enforcement to facilitate the successful application of these laws. EGOSP will create a database to track the progress and disposition of these cases.

EGOSP will also match handgun permit and firearms files against new and updated criminal arrest information. There are currently 1.2 million firearms applications on file. This will identify offenders who are ineligible to possess a handgun permit or a firearm because of recent criminal activity. In addition, EGOSP will enhance the MILES (MGUN) system to automatically identify offenses which disqualify an individual from purchasing or possessing a regulated firearm. This will save hours of manual research into whether a past offense is disqualifying. MILES will also be enhanced to indicate the exact violation to be charged, thereby assisting the officer making the arrest.

<sup>1</sup>Office of Juvenile Justice and Delinquency Prevention, Promising Strategies to Reduce Gun Violence, February 1999.

The Governor and Lt. Governor placed monies in the Maryland State Police FY 2000 budget which caused this program (EGOSP) to be developed. Their desire to create this unique program is based upon their knowledge that a significant number of the violent crimes in this state are committed by a relatively small number of criminals. Those violent individuals need to be identified and incarcerated to ensure this safety of our communities.

***Enhance penalties for violent offenders who use guns***

The Responsible Gun Safety Act of 2000 creates a 5 year mandatory minimum sentence for someone possessing a regulated firearm who is prohibited from possessing a firearm because of a prior conviction of a crime of violence, drug trafficking or conspiracy to commit those offenses. This strengthens the existing penalties described above, and would make Maryland law more restrictive than comparable Federal law in most circumstances.

***Provide intensive supervision for gun offenders on probation or parole***

Parole and probation supervision is an area of great potential for reducing gun violence. Maryland is a national leader in linking parole and probation to police and other community resources to combat crime. Building on the success of police-probation teams in HotSpot Communities, parole and probation officers can provide crucial information and leverage for warrant squads and community-focused violence initiatives like Operation Safe Neighborhoods. The Enhanced Gun Offender Sentencing Program will intensify probation focus on guns by alerting police and probation when an individual under supervision is registered as having purchased a regulated firearm.

## **G. Train Firearms Dealers and Law Enforcement**

### ***Ensure dealers and police have full knowledge of gun laws***

Training provides a powerful multiplier effect to the other aspects of Maryland's gun enforcement strategy. By providing both law enforcement and gun dealers with full information about existing laws and practices, training ensures that no opportunities to reduce gun violence will be missed through ignorance. The training efforts described below are an ongoing feature of Maryland CEASEFIRE.

Maryland State Police's CGRIP (Crime Gun Reduction Intervention Program) training has been provided to over 5000 law enforcement officers across the state since 1998. This training educates officers about firearm laws, tracing, ballistic fingerprinting, enhanced sentencing, and the intricacies of investigating a firearm crime.

During the fall 1999, the Firearms Registration Section traveled to all regions of the State and held regulated firearm dealer seminars. The seminars were attended by hundreds of citizens who represented firearm dealers, the news media, and the general public. Over half of the dealers attended one of the six seminars offered around the State. The seminars were designed to educate the dealers by both the Maryland State Police and the Bureau of Alcohol, Tobacco and Firearms on relevant issues. The seminars proved to be informative to both the firearm dealers and members of the Firearms Registration Section. As a result, cooperation between the dealers and the Section increased. The dealer seminars were so successful that they have been incorporated into the Firearms Enforcement Division's annual budget. They will continue to be hosted throughout the state each fall.

## **H. Enhance Offender and Public Awareness of Gun Laws and Enforcement Initiatives**

### ***Publicize enforcement initiatives, mandatory sentences***

### ***Encourage citizens to report illegal guns***

Public information is an important element of Maryland CEASEFIRE. General public information helps reduce unintentional law violations by citizens unaware of the law. Targeted public relations campaigns help to ensure that the message that Maryland will not tolerate gun crime is clearly understood by those most likely to commit such crimes. This section describes some of the efforts and ideas now under way or under development to reduce gun crime by providing information.

One of the challenges for Maryland CEASEFIRE is to ensure that the public is aware of existing laws. For example, the Firearms Investigation Unit identified an increase in the number of false applications referred by the Firearms Registration Section for investigation. In 1998 the Firearms Registration Section received 249 disapproved Applications to Purchase a Regulated Firearm. In 1999 the number of referrals jumped to 592. Each of the disapprovals required a criminal investigation with the potential for criminal charges.

In an effort to stop any further increase in the number of disapprovals the problem was analyzed with the assistance of the High Intensity Drug Trafficking Area (HIDTA). It was revealed that eleven counties and Baltimore City accounted for 532 of the 592 false applications. Armed with this information, an awareness campaign to include Firearms Dealer Training Seminars, personal visits, increased audits and posters was launched in an effort to reduce the number of false applications. Publications including the Crime Gun Reduction Intervention Program and the monthly CEASEFIRE Bulletin help to educate the public as well as police officers. A website with email access is provided to the public for further communication links. (Email address: Mspgun@qis.net)

The Maryland State Police has recently deployed a mobile crime scene vehicle designed to act as a mobile office, communications and crime scene platform and community relations tool. Members of the Firearms Enforcement Division have been given the responsibility of maintaining the vehicle and responding to and setting up operations at all violent crime scenes when requested. Due to its expertise, the Firearms Enforcement Division has received considerable media attention, both locally and nationally, including stories on Dateline, Nightline and numerous newspaper articles across the country. These media opportunities help to convey the message that gun violence receives the highest priority in Maryland.

Other public information is targeted specifically to gun offenders. The offender call-ins which are a key feature of Operation Safe Neighborhoods are an example of this. Other examples are the cards and posters advertising Project DISARM which are posted in police stations and parole and probation offices. Experience in other parts of the country suggests that additional public information can be an important tool in the fight against crime violence.

## **Appendices**

**A. Glossary of Terms**

**B. Annotated Code of Maryland**

## Appendix A

### Glossary of Terms

**Ammunition** — any ammunition cartridge, shell or other device containing explosive or incendiary material designed and intended for use in a firearm.

**Ballistic Fingerprinting** — method of utilizing digital imaging and computer programming to allow firearms examiners to 'capture' images from fired bullets and cartridge cases for comparison with other images.

**Firearms Trafficking** — Illegal firearms' trafficking is the movement of firearms from the legal to illegal marketplace.

**Firearms Tracing** — "a method used to determine the history of a crime gun from manufacturer or importer through wholesaler, retailer, and to individual purchasers. Firearms tracing can yield valuable investigative leads."

**Federal Firearms Licensee (FFL)** — Federal firearms license authorizing the acquisition and sale of firearms.

**Handgun Roster Board** — compiles, publishes and maintains, permitted handguns that can be sold.

**Minor** — any person under the age of 18 years.

**Regulated Firearm** — any handgun or assault weapon. A "Handgun" is any firearm with a barrel less than 16 inches in length including signal, starter, and blank pistols. — An "Assault Weapon" is any of the following specific firearms or their copies regardless of which company produced and manufactured that firearm:

1. American Arms Spectre da Semiautomatic carbine;
2. AK-47 in all forms;
3. ALGIMEC agm-1 type semi-auto;
4. AR 100 type semi-auto;
5. AR 180 type semi-auto;
6. Argentine L.S.R. semi-auto;
7. Australian Automatic Arms SAR type semi-auto;
8. Auto-Ordnance Thompson M1 and 1927 semi-autos;
9. Barrett light .50 cal. Semi-auto;
10. Beretta AR 70 type semi-auto;
11. Bushmaster semi-auto rifle;
12. Calico models M-100 and M-900;
13. CIS SR 88 type semi-auto;
14. Claridge HI TEC C-9 carbines;
15. Colt AR-15, CAR-15, and all imitations except Colt AR-15bv Sporter H-BAR rifle;
16. Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
17. Dragunov Chinese made semi-auto;
18. Famas semi-auto (.223 caliber);
19. Feather AT-9 semi-auto;
20. FN LAR and FN FAL assault rifle;



21. FNC semi-auto type carbine;
22. F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
23. Steyr-AUG-SA semi-auto;
24. Gallil models AR and ARM semi-auto;
25. Heckler and Koch HK-91 A3, HK-93 A-2, HK-94 A2 and A-3;
26. Holmes model 88 shotgun;
27. Avtomat Kalashnikov semiautomatic rifle in any format;
28. Manchester Arms "Commando" MK-45, MK-9;
29. Mandell TAC-1 semi-auto carbine;
30. Mossberg model 500 Bullpup assault shotgun;
31. Sterling Mark 6;
32. P.A.W.S. carbine;
33. Ruger mini-14 folding stock model (223 caliber);
34. SIG 550/551 assault rifle (.223 caliber);
35. SKS with detachable magazine;
36. AP-74 Commando type semi-auto;
37. Springfield Armory BM-59, SAR-48, G3, SAR-F3, M-21 sniper rifle, M1A, excluding the M1 Garand;
38. Street Sweeper assault type shotgun;
39. Strike 12 Assault shotgun in all formats;
40. Unique F11 semi-auto type;
41. Daewoo USAS 12 semi-auto shotgun;
42. UZI 9mm carbine or rifle;
43. Valmet M-76 and M-78 semi-auto;
44. Weaver Arms "Nighthawk" semi-auto carbine; or
45. Wilkinson Arms 9mm semi-auto "Terry"

**Regulated Firearms Dealer (RFD)** — Maryland firearms license authorizing the acquisition and sale of regulated firearms within the State of Maryland.

**Smart Gun** — Requires that a person may not sell or offer for sale in the State of Maryland a handgun manufactured after January 1, 2003 unless it is manufactured with incorporated design technology allowing the handgun to be fired only by authorized users. In the interim, require that by January 1, 2002 any new handguns sold in Maryland be equipped with an integrated mechanical safety device to prevent children and other unauthorized users from firing the handgun.

**Straw Purchase** — "the acquisition of a firearm from a federally licensed firearms dealer by an individual (the straw) done for the purpose of concealing the identity of the true intended receiver of the firearm."

**Private Sale** — "a person who is not a regulated firearms dealer may not sell, rent, transfer, or purchase any regulated firearm until after 7 days have elapsed from the time an application to purchase or transfer have been executed by the prospective purchaser or transferee, in triplicate, and the original copy forwarded to the Secretary of the Department of Maryland State Police."

**One Gun a Month** — "purchase limited to one regulated firearm during a 30-day period with the following exceptions: 1. Law enforcement agency; 2. State or local correctional facility; 3. Private Security Company; 4. Purchases by firearms dealers; 5. Purchases due to reported theft or loss of firearm; 6. Exchange due to defect; 7. Dealer discount; and 8. Documented collector."

**DISARM Program** — a joint law enforcement effort administered by the United States Attorney's Office to reduce firearms related violence by identifying, targeting, and apprehending violent offenders with prior criminal convictions and/or narcotics traffickers who use or carry firearms in furtherance of their criminal activities.

## **Appendix B**

### **Annotated Code of Maryland, Article 27, Section 643 Mandatory Sentences For Crimes Of Violence**

**§643. When penalty less than statutory minimum may be imposed.**

In all cases where the law prescribing a punishment for crime fixes a maximum and a minimum penalty therefore, the several judges of the circuit courts of the counties and of the District Court of Maryland may, in lieu of the minimum penalty so prescribed, impose a lesser penalty of the same character; provided, however, that nothing herein contained shall be construed as affecting any maximum penalty fixed by law, or the punishment for any crime where the law provides one and only one penalty.

**§643A. Power of District Court judges as to imposition and suspension of sentence and probation.**

(a) In general. — In a criminal or motor vehicle case within the court's jurisdiction, a District Court judge has the same power as a judge of the circuit court of a county to impose any sentence authorized by law, to suspend the imposition or execution of a sentence, to place a person on probation, and to strike out a suspension of sentence and impose a lawful sentence, and to revoke probation, subject to the limitations of subsections (b), (c), and (d) of this section.

(b) Length of probation or suspension. — A period of probation or suspension of sentence may not exceed three years from the date of suspension or probation. However, if the defendant consents in writing, the court may grant probation for a period in excess of three years, but only for purposes of making restitution.

(c) Violation of conditions of probation or suspension. — In general — At any time to end the period of probation or, during the period, on written charges preferred under oath, or on violation of any condition of probation, to issue a warrant or notice requiring the probationer or person accused to be brought or to appear before the judge issuing the warrant or notice, to answer the charges of violation of conditions of probation or suspension of sentence, and to fix a date for the hearing of the charge or violation of the conditions, and pending the hearing or determination of the charge, to remand the probationer or person accused to jail or to release him, with or without bail, and if at the hearing the person accused be found to have violated any of the terms of the conditions of probation, to revoke the probation granted or suspension of sentence, and to impose any sentence, to take effect from its date, which might have originally been imposed for the crime of which the probationer or person accused was either convicted or to which he pleaded guilty, or nolo contendere, or if neither conviction nor plea of guilty or nolo contendere was had, to try the person accused on the charge.

(d) Same - Hearing and sentence by judge who originally heard matter. - A charge of violation of the terms of probation or suspension of sentence shall be heard by the judge who originally heard the matter and imposed the terms, and if probation is revoked or suspension stricken, the defendant shall be sentenced by that judge, unless he has been removed from office, has died or resigned, or is otherwise incapacitated, in any of which event any other judge of the District Court has full power to act in the matter.

**§643B. Mandatory sentences for crimes of violence.**

(a) Crime of violence defined; correctional institution defined. - As used in this section, the term "crime of violence" means abduction; arson in the first degree; kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385, and 386 of this article; murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual offense in the first degree; sexual offense in the second degree; use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the aforesaid offenses; assault in the first

degree; and assault with intent to murder, assault with intent to rape, assault with intent to rob, assault with intent to commit a sexual offense in the first degree, and assault with intent to commit a sexual offense in the second degree, as these crimes were previously proscribed under former § 12 of this article. The term "correctional institution" includes Patuxent Institution and a local or regional jail or detention center.

(b) Fourth conviction of crime of violence. — Except as provided in subsections (f) and (g) of this section, any person who has served three separate terms of confinement in a correctional institution as a result of three separate convictions of any crime of violence shall be sentenced, on being convicted a fourth time of a crime of violence, to life imprisonment without the possibility of parole. Regardless of any other law to the contrary, the provisions of this subsection are mandatory.

(c) Third conviction of crime of violence. — Except as provided in subsections (f) and (g) of this section, any person who (1) has been convicted on two separate occasions of a crime of violence where the convictions do not arise from a single incident, and (2) has served at least one term of confinement in a correctional institution as a result of a conviction of a crime of violence, shall be sentenced, on being convicted a third time of a crime of violence, to imprisonment for the term allowed by law, but, in any event, not less than 25 years. The court may not suspend all or part of the mandatory 25-year sentence required under this subsection, and the person shall not be eligible for parole except in accordance with the provisions of § 4-305 of the Correctional Services Article. A separate occasion shall be considered one in which the second or succeeding offense is committed after there has been a charging document filed for the preceding occasion.

(d) Second conviction of crime of violence. — Except as provided in subsection (g) of this section, any person who has been convicted on a prior occasion of a crime of violence, including a conviction for an offense committed before October 1, 1994, and has served a term of confinement in a correctional institution for that conviction shall be sentenced, on being convicted a second time of a crime of violence committed on or after October 1, 1994, to imprisonment for the term allowed by law, but, in any event, not less than 10 years. The court may not suspend all or part of the mandatory 10-year sentence required under this subsection.

(e) Compliance with Maryland Rules. — If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

(f) Petition for parole after age 65.—

(1) Any person sentenced under the provisions of this section who is at least 65 years old and has served at least 15 years of the sentence imposed may petition for and be granted parole.

(2) The Maryland Parole Commission shall adopt regulations to implement the provisions of this subsection.

(g) Section inapplicable to death sentence. — If a person is sentenced to death, the provisions of this section do not apply.

### **§36B. Wearing, carrying or transporting handgun; unlawful use in commission of crime.**

(b) Unlawful wearing, carrying, or transporting of handguns; penalties.— Any person who shall wear, carry, or transport any handgun, whether concealed or open, upon or about his person, and any person who shall wear, carry or knowingly transport any handgun, whether concealed or open, in any vehicle traveling upon the public roads, highways, waterways, or airways or upon roads or parking lots generally used by the public in this State shall be guilty of a misdemeanor; and it shall be a rebuttable presumption that the person is knowingly transporting the handgun; and on conviction of the misdemeanor shall be fined or imprisoned as follows:

(1) If the person has not previously been convicted of unlawfully wearing, carrying or transporting a handgun in violation of this section, or of unlawfully using a handgun in the commission of a crime in violation of subsection (d) of this section, or of unlawfully carrying a concealed weapon in violation of §36 of this article, or of unlawfully carrying a deadly weapon on public school property in violation of §36A of this article, he shall be fined not less than two hundred and fifty (\$250.00) dollars, nor more than twenty-five hundred (\$2,500.00) dollars, or be imprisoned in jail or sentenced to the Maryland Division of Correction for a term of not less than 30 days nor more than three years, or both; provided, however, that if it shall appear from the evidence that the handgun was worn, carried, or transported on any public school property in this State, the court shall impose a sentence of imprisonment of not less than 90 days.

(2) If the person has previously been once convicted of unlawfully wearing, carrying, or transporting a handgun in violation of this section, or of unlawfully using a handgun in the commission of a crime in violation of subsection (d) of this section, or of unlawfully carrying a concealed weapon in violation of §36 of this article, or of unlawfully carrying a deadly weapon on public school property in violation of § 36A of this article, he shall be sentenced to the Maryland Division of Correction for a term of not less than 1 year nor more than 10 years, and it is mandatory upon the court to impose no less than the minimum sentence of 1 year; provided, however, that if it shall appear from the evidence that the handgun was worn, carried, or transported on any public school property in this State, the court shall impose a sentence of imprisonment of not less than three years.

(3) If the person has previously been convicted more than once of unlawfully wearing, carrying, or transporting a handgun in violation of this section, or of unlawfully using a handgun in the commission of a crime in violation of subsection (d) of this section, or of unlawfully carrying a concealed weapon in violation of §36 of this article, or of unlawfully carrying a deadly weapon on public school property in violation of §36A of this article, or any combination thereof, he shall be sentenced to the Maryland Division of Correction for a term of not less than three years nor more than 10 years, and it is mandatory upon the court to impose no less than the minimum sentence of three years; provided, however, that if it shall appear from the evidence that the handgun was worn, carried, or transported on any public school property in this State, the court shall impose a sentence of imprisonment of not less than 5 years.

(4) If it shall appear from the evidence that any handgun referred to in this subsection was carried, worn, or transported with the deliberate purpose of injuring or killing another person, the court shall impose a sentence of imprisonment of not less than 5 years.

(d) Unlawful use of handgun or antique firearm in commission of crime; penalties. — Any person who shall use a handgun or an antique firearm capable of being concealed on the person in the commission of any felony or any crime of violence as defined in § 441 of this article, whether operable or inoperable at the time of the offense, shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to any other sentence imposed by virtue of commission of said felony or misdemeanor:

(1) For a first offense, be sentenced to the Maryland Division of Correction for a term of not less than 5 nor more than 20 years, and:

(i) It is mandatory upon the court to impose no less than the minimum sentence of 5 years; and

(ii) Except as otherwise provided in Article 31B, §11 of the Code, the person is not eligible for parole in less than 5 years; and

(2) For a second or subsequent offense, be sentenced to the Maryland Division of Correction for a term of not less than 5 nor more than 20 years, and it is mandatory upon the court to impose no less than a minimum consecutive sentence of 5 years which shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of said felony or misdemeanor.

#### **§36H-6. Penalties.**

(a) Violation of any provision.- Any person who violates any provision of this subheading is upon conviction guilty of a misdemeanor and subject to imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

(b) Use in felony or crime of violence.- Any person who uses an assault pistol, or a magazine that has a capacity of more than 20 rounds of ammunition, in the commission of any felony or any crime of violence as defined in §441 of this article shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to any other sentence imposed by virtue of commission of the felony or misdemeanor:

(1) For a first offense, be sentenced to the Maryland Division of Correction for a term of not less than 5 nor more than 20 years, and:

(i) It is mandatory upon the court to impose no less than the minimum sentence of 5 years no part of which shall be suspended; and

(ii) Except as otherwise provided in Article 31B, §11 of the Code, the person is not eligible for parole in less than 5 years; and

(2) For a second or subsequent offense, be sentenced to the Maryland Division of Correction for a term of not less than 10 nor more than 20 years, and it is mandatory upon the court to impose no less than a minimum sentence of 10 years which shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of the felony or misdemeanor.

#### **§281A. Use of weapon as separate crime.**

(b) Unlawful acts; penalties.- During and in relation to any drug trafficking crime, a person who possesses a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime or who uses, wears, carries, or transports a firearm is guilty of a separate felony and on conviction shall, in addition to the sentence provided for the drug trafficking crime, be sentenced as follows:

(1) (i) For a first offense, for a term of not less than 5 nor more than 20 years.

(ii) It is mandatory upon the court to impose no less than the minimum sentence of 5 years, no part of which may be suspended and the person may not be eligible for parole except in accordance with the provisions of Article 31B, §11 of the Code; and

(2) (i) For a second or subsequent offense, for a term of not less than 10 nor more than 20 years.

(ii) It is mandatory upon the court to impose no less than a minimum consecutive sentence of 10 years, no part of which may be suspended and the person may not be eligible for parole except in accordance with the provisions of Article 31B, §11 of the Code.

(iii) The sentence shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of the drug trafficking crime.

(c) Enhanced punishment for certain weapons.— The minimum mandatory sentence provided in subsection (b) (1) and (2) of this section shall be doubled if the firearm is:

(1) Any firearm listed in §36H-1 or §441 of this article;

(2) A machine gun; or

(3) Equipped with a firearm silencer or muffler.

### §293. Second or subsequent offenses.

(a) More severe sentence.- Any person convicted of any offense under this subheading is, if the offense is a second or subsequent offense, punishable by a term of imprisonment twice that otherwise authorized, by twice the fine otherwise authorized, or by both.

(b) Second or subsequent offense defined.- For purposes of this section, an offense shall be considered a second or subsequent offense, if, prior to the conviction of the offense, the offender has at any time been convicted of any offense or offenses under this subheading or under any prior law of this State or any law of the United States or of any other state relating to the other controlled dangerous substances as defined in this subheading.

(c) Parole, probation, and suspension.- Any person convicted of a second or subsequent offense under any law superseded by this subheading shall be eligible for parole, probation, and suspension of sentence in the same manner as those persons convicted under this subheading.

### References

The Annotated Code of Maryland (1999).

ATF National Tracing Center Guide to Illegal Firearms Trafficking Investigations, (1997). Training Guide.

Center for Disease Control and Prevention. [www.cdc.gov/ncidod/diseases/cfs/cfshome.htm](http://www.cdc.gov/ncidod/diseases/cfs/cfshome.htm)

Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms. (1999, February). The YCGII Trace Analysis Reports: The Illegal Youth Firearms Markets in 27 Communities.

Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms. (1997, October). Guide to Investigating Illegal Firearms Trafficking.

Firearms Identification — An Introduction to Forensic Firearms Identification. [www.firearmsid.com](http://www.firearmsid.com)

Handgun Control. Center to Prevent Handgun Violence. [www.handguncontrol.org](http://www.handguncontrol.org)

The History of Firearm and Toolmark Identification by James E. Hamby. [www.firearmsid.com](http://www.firearmsid.com).

Rennert, L. The History of Gun Laws

The Lautenberg Domestic Confiscation Law. [www.gunowners.org](http://www.gunowners.org).

Maryland Against Handgun Abuse. [www.hgabuse.org](http://www.hgabuse.org).

Maryland State Police Web Page. [www.inform.umd.edu/MD-SP](http://www.inform.umd.edu/MD-SP)

Promising Strategies to Reduce Gun Violence (February 1999).

Uniform Crime Report (1998).

United States Attorney's Office — Northern District of Maryland, DISARM.

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