

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1446

(Chair, Judiciary Committee)(By Request - Departmental  
- State Police)

Judiciary

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**Public Safety - Sales of Ammunition - Records**

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This departmental bill requires businesses engaged in the sale of “ammunition” to maintain a log of all ammunition sales. The Secretary of State Police is required to adopt regulations specifying enumerated information relating to such sales. During business hours, a seller of ammunition must allow inspection of ammunition sales records by a law enforcement officer. The law enforcement officer must make such an inspection of records in the presence of the person engaged in that business, if requested.

A purchaser of ammunition must present the seller with a government issued form of identification that contains a photograph of the purchaser. An ammunition seller who violates the bill’s provisions is subject to a maximum civil penalty of \$500 for each violation. The Secretary of State Police must, in setting a civil penalty, consider the seriousness of the violation, the good faith of the violator, any previous violations, and any other relevant factors.

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**Fiscal Summary**

**State Effect:** The bill’s requirements can be handled with existing budgeted resources. Potential minimal increase in general fund revenues from civil fines.

**Local Effect:** None. It is assumed that any inspection of an ammunition seller’s business records by a local law enforcement unit will be done within existing budgeted resources.

**Small Business Effect:** The Department of State Police (DSP) has determined that this bill has minimal or no impact on small business (attached). Legislative Services disagrees with this assessment as discussed below.

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## Analysis

**Current Law:** Any dealer or person who knowingly participates in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of provisions governing regulated firearms is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000. Each violation must be considered a separate offense.

A person under the age of 21 may not possess ammunition solely designed for a regulated firearm. There are some circumstances under which this prohibition does not apply, including specified temporary possessions or transfers and when the person is a member of the U.S. armed forces or the National Guard while performing official duties. There is no penalty for a violation.

A person may not sell, rent, or transfer ammunition solely designed for a regulated firearm to a person under the age of 21. A person may not sell, rent, or transfer to a minor a firearm other than a regulated firearm, ammunition for a firearm, pepper mace, or another deadly weapon. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000.

Before a person purchases, rents, or transfers a regulated firearm in the State, the person must submit to the State Police or other designated law enforcement agency a firearm application that identifies the applicant and the firearm that is the subject of the transaction. Applications are investigated by the State Police and are subject to a seven-day waiting period before the transaction may take place.

An applicant must be at least age 21; have never been convicted of a felony, crime of violence, or misdemeanor that carries a penalty of more than two years imprisonment; and must not be addicted to drugs or alcohol or have a history of mental disorder. An applicant is required to complete a certified firearms safety course through the Police Training Commission.

**Background:** Federal law prohibits a convicted felon from possessing ammunition of any type. DSP has established a firearms task force to, in part, work with gun shops to determine who may have illegally purchased ammunition. Based on information from voluntarily maintained logs, DSP was able to investigate buyers and make some arrests for illegal possession of firearms and ammunition.

This bill was requested by the Governor's Office of Crime Control and Prevention.

**Small Business Effect:** While DSP believes that the bill's requirements would not have a significant economic impact on small businesses engaged in the sale of ammunition, Legislative Services advises that the detail of recordkeeping specified in the bill and any additional detail required under regulatory provisions may create some meaningful operational difficulties for some small businesses. Quantifying such an effect cannot be reliably made without some direct experience under the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2009  
mcp/hlb

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety – Sales of Ammunition – Records

BILL NUMBER: HB 1446

PREPARED BY: Department of State Police

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.