

Public Health Policy in Maryland

Appendix: Lessons from the Firearm Safety Act

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Policies are among the most powerful tools available to improve the public's health. To realize the potential benefits that can be achieved with policy interventions, it is essential to ensure that policies are well-designed, implemented, and enforced. Here, we examine the evidence surrounding Maryland's Firearm Safety Act, which was signed into law in 2013, to assess its preliminary public health impacts and identify opportunities to improve implementation and enforcement efforts. Our review of the evidence includes published works, as well as insights gained from discussions with five people who are knowledgeable about the law and its impact during the four years that it has been in effect.

Public Health Problem and Legislative Background

Firearms are a significant cause of both injury and death in Maryland. In 2016, 707 people died in Maryland from firearm violence (11.8/100,000) [CDC, 2018]. Although the majority of firearm deaths in the United States are suicides, most people who die after being shot in Maryland (64 percent) are killed by someone else, making the state's firearm homicide rate higher than the country (7.87/100,000 vs. 4.76/100,000) [CDC, 2018]. Indeed, most homicides in Maryland (72 percent) are committed with handguns [Maryland Department of State Police, 2016].

Firearms are also used in non-fatal crimes. In 2015, firearms were used in 17 percent of aggravated assaults, 6 percent of domestic aggravated assaults, and in 46 percent of robberies reported in Maryland [Maryland Department of State Police, 2016]. Policy strategies to limit firearm access to people who are legally eligible to purchase firearms is one approach to reducing firearm violence.

Historically, Maryland has been among early state adopters of gun violence prevention policies. With laws that restrict the purchase of assault-style firearms, limit regulated gun (handguns and some long guns) purchases to one per month, require universal background checks for gun purchasers, and prohibit gun purchase and possession by respondents to ex parte domestic violence restraining orders, Maryland is generally viewed among the most progressive states in the nation with regard to gun violence prevention. Further, state licensing of gun dealers who sell regulated firearms provides Maryland law enforcement with additional authority to oversee gun sales.

Gun violence prevention advocates in Maryland have long expressed the need for gun owner licensing as one way to better assure that only those legally eligible to purchase guns are able to buy them. In fact, by the 2013 legislative session, mounting evidence about the positive impacts of firearm owner licensing laws made a convincing case in support of this policy intervention. This evidence led to the Firearm Safety Act of 2013, which created the Handgun Qualification License, expanded law enforcement authority over state-licensed firearm dealers who sell regulated firearms, and mandated reporting of lost and stolen guns [Maryland General Assembly, 2013]. These provisions were all designed to prevent the diversion of guns from the legal market and legal purchasers to people who are prohibited from purchasing guns. The law may be viewed as an ongoing effort within the State to incorporate the best available evidence about policy strategies for reducing firearm violence into Maryland law [Webster and Vernick, 2013].

Specifically, the Handgun Qualification License requires Maryland residents to obtain a license prior to buying, renting, or receiving a regulated firearm, a process that includes completion of the Firearms Safety Training Course. As such, it provides a mechanism for the state to ensure some level of knowledge about Maryland firearm laws and safety among firearm purchasers, and to establish a more rigorous system for ensuring that those who purchase guns are legally allowed to do so.

To be eligible for a license, an applicant must be a Maryland resident, be at least 21 years old, complete an approved safety course, and submit results from a fingerprint background check that includes a review for disqualifying prohibitions [Maryland General Assembly, 2013]. Once issued, the renewable license is valid for 10 years. The initial license fee is \$50, plus an additional amount for fingerprinting. At the time of writing, we identified fingerprinting services that cost \$50, but note that those services ranged in price among providers. The renewal fee is \$20. People who purchased firearms prior to the law are not required to obtain the license unless they purchase a gun after the law's effective date.

The Firearm Safety Act also addresses some challenges with enforcing gun laws. By providing Maryland State Police with additional authority to review firearms dealers' records and by mandating that gun owners report their guns lost or stolen if they are no longer in possession of their firearms, the Firearm Safety Act provides additional assurances that regulated sellers and owners are not supplying guns to people who are prohibited from buying them legally. Interviewees described these measures, including the licensing provision, as effective ways to increase accountability among gun sellers and owners.

Early Indicators of Public Health Impacts

Beginning October 1, 2013, Marylanders seeking to buy a regulated firearm had to be licensed. In the months leading up to the Firearm Safety Act taking effect, the Maryland State Police received an increased number of applications to purchase regulated firearms, relative to the prior year: 70,099 applications in 2012 and 128,630 in 2013 [Maryland Department of State Police, 2012]. In 2014, the number of regulated gun purchase applications fell to approximately 28,000 [Maryland Department of State Police, 2014]. An increase in gun sales in anticipation of stricter gun laws is not uncommon, and interviewees commented on the sales surge leading up to the licensing effective date. The Maryland State Police received 4,775 License applications in the last three months of 2013 and 16,306 License applications in the 12 months of 2014 [Maryland Department of State Police, 2014]. The overwhelming majority (>98%) of applicants were cleared for licensure, with the State Police disapproving 234 applicants.

Maryland's licensing system is an example of a permit-to-purchase (PTP) policy, which requires individuals to be approved by the state prior to purchasing a gun. This approval process is designed to help ensure that anyone who purchases a gun is a legal purchaser. Importantly, Maryland law requires gun purchasers to have a license and complete a background check for all regulated gun purchases, including purchases from private sellers [Center for Gun Policy and Research, 2015]. Further, this license provides sellers with a standard tool for preliminarily assessing a buyer's eligibility to purchase, while also providing the state with a mechanism for reducing fraud among gun purchasers and educating gun owners about state laws governing gun purchases.

Interestingly, more and more data are demonstrating the public health benefits associated with PTP laws similar to Maryland's license law. One noteworthy example is from Missouri, where a PTP law was in place for a number of years before the legislature repealed it. The resulting void in PTP licensing was followed by a rapid increase in the homicide rate at a time when the national rate was declining [Webster, 2014]. Specifically, in the eight years preceding the repeal, the mean homicide rate in Missouri was 4.7 per 100,000 [Webster, 2014]. That rate increased by almost 25 percent in the three years following the repeal [Webster, 2014], with disproportionate increases documented in the larger metropolitan areas. An evaluation of Connecticut's PTP law reached a similar conclusion, and documented a 40 percent lower homicide rate than would have been expected without the law [Rudolph, 2015].

In addition, PTP laws are also associated with reductions in the diversion of guns to prohibited purchasers in states with such a law, including intrastate gun trafficking [Center for Gun Policy and Research, 2015; Webster, 2009]. A 2017 study examining the impact of the Firearm Safety Act on indicators of diversion suggested that one result of the law is that people who are prohibited from buying guns legally may have more difficulty accessing guns through illegal sources. The authors included survey results from men on parole and probation (and prohibited from legally purchasing guns) who reported that guns were in fact harder to obtain for prohibited people under the new law [Crifasi, 2017]. The authors theorized that, as guns become increasingly scarce for people who are prohibited from purchasing guns legally as indicated by the diversion indicators, crime will become less gun-involved—and less lethal.

Implementation and Context

While early analyses of diversion indicators suggest that the law is affecting the availability of guns for prohibited people, firearm homicide and crime data reveal a more complicated story, especially for Baltimore City. Factors that continue to impact violence trends, as discussed by interviewees, include the impact of Mr. Freddie Gray's death in police custody, the immediate response from several communities, and the longer-term effects on police-community relations. In 2015, the year Mr. Gray died, the firearm homicide rate jumped from 4.6 to 7.9 per 100,000 [CDC, 2017]. Firearm crimes (including aggravated assaults and robberies) also increased during this time, despite the Firearm Safety Act and stricter controls on access by prohibited gun purchasers [Maryland Department of State Police, 2016]. Not only will the impact of Mr. Gray's death take time to understand in the context of crime and violence in Baltimore City, but additional experience with the law is also needed for a robust, outcome-focused evaluation.

In advance of a rigorous outcome evaluation, however, assuring implementation and enforcement of the law is critical to establishing a true test of the law's merits. Although the administrative infrastructure to support gun owner licensing is in place and operational, interviewees discussed missed implementation opportunities with the Firearm Safety Act beyond the process of obtaining a license, and the need to organize greater efforts to assure that available laws are operationalized to achieve their maximum effects.

Specifically, interviewees cited the lost and stolen reporting requirement as an important addition to Maryland law, but one that is underutilized in practice. By requiring gun owners to report lost and stolen guns, those engaged in selling guns to people without a license will no longer be able to thwart investigations of crime gun suppliers by declaring their guns stolen or lost.

As interviewees explained, making use of the lost and stolen gun reporting mandate requires law enforcement to investigate both the person who used a gun in a crime and the person who supplied the perpetrator with the crime gun when the accused individual is prohibited from legally purchasing guns. This type of investigation that focuses on suppliers of crime guns is part of enforcing the license provision of the Firearm Safety Act.

Since October 1, 2013, when the law took effect, anyone who sells a gun in Maryland (private sellers as well as licensed gun dealers) must verify that the buyer is licensed. Through investigation, and the subsequent arrest and prosecution of people who are illegally supplying those using guns in crimes, Maryland's licensing law provides a mechanism for gun owner accountability and a tool for limiting the supply of guns to people who cannot legally purchase them.

Interviewees were skeptical about whether investigations to identify gun suppliers were happening on a wide scale, and if the lost and stolen mandate was being used when such investigations occurred. Despite this skepticism, sources cited the Firearms Enforcement Unit within the Maryland State Police as an example of the state's commitment to more fully enforcing its gun laws, and the availability of law enforcement expertise to assist local jurisdictions with crime gun supplier investigations. To reduce firearm violence in the state, a greater investment in gun supplier investigations and prosecutions offers an opportunity to more fully realize the promise of gun owner licensing.

Recommendations

Based on the published research and expert perspectives on the early impacts of the Firearm Safety Act, we offer the following recommendations:

1. Monitor implementation and enforcement of the Firearm Safety Act.

To ensure that execution of the law corresponds with its intent, experts should pay attention to how the Firearm Safety Act is being implemented and enforced. Identification of barriers and facilitators to realizing all provisions of the law can inform firearm violence prevention efforts and priorities at the state and local levels.

2. Investigate crime gun suppliers.

Opportunities to improve enforcement of Maryland's gun owner license requirement should be pursued. Supporting law enforcement efforts to investigate crime gun suppliers and assuring identified suppliers are prosecuted with sentences that include a prohibition on gun purchase and possession are essential.

3. Evaluate the Firearm Safety Act.

The best public health policies are informed by evidence. Continued monitoring and evaluation of the Firearm Safety Act are needed to answer questions about the impact of this law on crime and violence, and to inform implementation efforts. This is the most effective way to ensure that the health and safety gains intended by the legislators are realized.

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