

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: CS/SB 1340

INTRODUCER: Criminal Justice Committee and Senator Crist

SUBJECT: Records of Firearm Transactions

DATE: March 18, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.			JA	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill provides that secondhand dealers and pawnbrokers who elect to electronically submit firearms transaction records to law enforcement agencies must submit the name of the manufacturer and caliber information of each firearm in Florida Crime Information Center coding. They must also submit the model and serial number, although FCIC coding for those identifiers does not currently exist.

The bill also clarifies that the law prohibiting the keeping of records of firearms transactions, unless there is a statutory exception, applies to entities as well as individuals.

This bill substantially amends section 790.335 of the Florida Statutes.

II. Present Situation:

Section 790.335, F.S., prohibits government agencies and their employees from knowingly and willfully keeping a list, record, or registry of privately owned firearms or a list, record, or registry of the owners of firearms. There are several exceptions to this prohibition, including firearm records which are required to be kept by secondhand dealers and pawnbrokers.

Secondhand dealers and pawnbrokers are required to submit firearm transaction information to law enforcement agencies. Currently, firearm transaction records must include the type of action, caliber or gauge, number of barrels, barrel length, and finish of the firearm. The transaction records may be submitted to law enforcement agencies in electronic form.

Law enforcement agencies that receive electronic records of firearms transactions from secondhand dealers and pawnbrokers must destroy those records within 60 days after the receipt of the records. If law enforcement agencies fail to destroy firearm transaction records within 60 days, the agency may be subject to a civil fine of up to \$5 million. An individual person who violates this section commits a third degree felony.

III. Effect of Proposed Changes:

The bill provides that secondhand dealers and pawnbrokers who elect to electronically submit firearms transaction records to law enforcement agencies must report the name of the manufacturer and caliber information of each firearm in Florida Crime Information Center coding on the electronic submission form. They must also submit the model and serial number, although FCIC coding for those identifiers does not currently exist.

Since only firearm transaction records must be destroyed within 60 days, a law enforcement agency must extract firearm records from its database, which contains records of all secondhand dealer and pawnbroker transactions. The reporting requirements in the bill should allow law enforcement agencies to screen firearm transaction records out of their databases in a more efficient manner.

Further, the bill provides that an entity may be held accountable for a violation of the current prohibition against keeping lists of firearms or firearm owners unless such list or the entity meets an exception to the prohibition.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The pawnbrokers and second-hand dealers who do not currently have the capability to report the required information in the form set forth in the bill may have some initial cost involved in adapting computer software or data to comply. However, it should be noted that electronic transfer of records is not required by the current law nor the bill.

C. Government Sector Impact:

The law enforcement community may realize a cost saving because electronic records of firearm transactions submitted by pawnbrokers and second-hand dealers should be more compatible with existing Florida Crime Information Center coding requirements and therefore easier to identify in the agency databases and delete, as required by law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 18, 2009:

Clarifies that, at the present time, only the manufacturer and caliber of a firearm exist in Florida Crime Information Center (FCIC) coding, therefore only those identifiers must be submitted in FCIC coding by those second-hand dealers and pawnbrokers who choose to submit records to law enforcement electronically.

B. Amendments:

None.