

**SB0737/748674/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 737  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Transactions” and substitute “Sales, Rentals, Transfers, and Loans”; in lines 4, 5, 7, 8, 10, 14, and 15, in each instance, strike “transfer” and substitute “sale”; in line 4, strike “in a certain role”; in lines 5, 8, 10, and 11, in each instance, strike “transferor” and substitute “seller”; in line 6, strike “transferee” and substitute “purchaser”; in line 16, strike “transfers” and substitute “sales”; and in the same line, after “Act,” insert “providing that a certain licensee or other person may not sell, rent, transfer, or loan a rifle or shotgun to a certain person under certain circumstances;”.

On pages 1 and 2, strike beginning with “prohibiting” in line 16 on page 1 down through “penalties;” in line 12 on page 2.

On page 2, in line 21, strike “through 5–204.4, 5–207, and 5–208” and substitute “and 5–207”.

AMENDMENT NO. 2

On page 2, strike beginning with “~~STATE–REGULATED~~” in line 29 down through “~~LICENSE~~” in line 30 and substitute “FEDERAL FIREARMS LICENSE”; strike in their entirety lines 31 through 34, inclusive; in line 35, strike “~~(D)~~” and substitute “(C)”; and in line 36, strike “~~(E)~~” and substitute “(D) “NICS INDEX” HAS THE MEANING STATED IN § 5–133.2 OF THIS TITLE.”

(E)”.

On page 3, strike line 1 in its entirety; in lines 2, 4, and 6, strike “~~(G)~~”, “~~(H)~~”, and “~~(I)~~”, respectively, and substitute “(F)”, “(G)”, and “(H)”, respectively; strike in their

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entirety lines 8 through 15, inclusive; strike beginning with “TRANSFER” in line 17 down through “INVOLVING” in line 18 and substitute “SALE BY”; in line 18, after “LICENSEE” insert a period; and strike beginning with “OR” in line 18 down through the semicolon in line 19.

On pages 3 and 4, strike in their entirety the lines beginning with line 20 on page 3 through line 31 on page 4, inclusive.

On page 5, in line 1, strike “(C)” and substitute “(B)”; in lines 1, 3, 4, 17, and 24, in each instance, strike “TRANSFER” and substitute “SALE”; in lines 1, 16, and 20, in each instance, strike “TRANSFEROR” and substitute “SELLER”; in lines 2, 17, 18, and 20, in each instance, strike “TRANSFEREE” and substitute “PURCHASER”; in line 1, before “IS” insert “OF A RIFLE OR SHOTGUN”; in line 4, strike “(I)”; strike beginning with “PROCESS” in line 5 down through “TRANSFEREE” in line 7 and substitute “CONDUCT A BACKGROUND CHECK ON THE PURCHASER THROUGH THE NICS INDEX”; strike in their entirety lines 8 through 15, inclusive; in lines 16, 23, and 25, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; in line 16, strike “LICENSEE OR THE”; and after line 32, insert:

**“5-207.**

**(A) THIS SECTION SUPERSEDES ANY RESTRICTION THAT A LOCAL JURISDICTION IN THE STATE IMPOSES ON THE TRANSFER BY A PRIVATE PARTY OF A RIFLE OR SHOTGUN, AND THE STATE PREEMPTS THE RIGHT OF ANY LOCAL JURISDICTION TO REGULATE THE TRANSFER OF A RIFLE OR SHOTGUN.**

**(B) IN THIS SECTION, “LOAN” INCLUDES A TEMPORARY GRATUITOUS EXCHANGE OF A RIFLE OR SHOTGUN.**

(C) A LICENSEE OR ANY OTHER PERSON MAY NOT SELL, RENT, TRANSFER, OR LOAN A RIFLE OR SHOTGUN TO A PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT WHO THE LICENSEE OR OTHER PERSON KNOWS OR HAS REASONABLE CAUSE TO BELIEVE:

- (1) HAS BEEN CONVICTED OF A DISQUALIFYING CRIME;
- (2) HAS BEEN CONVICTED OF A CONSPIRACY TO COMMIT A FELONY;
- (3) HAS BEEN CONVICTED OF A VIOLATION CLASSIFIED AS A COMMON LAW CRIME AND RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2 YEARS;
- (4) IS A FUGITIVE FROM JUSTICE;
- (5) IS A HABITUAL DRUNKARD AS DEFINED IN § 5-101 OF THIS TITLE;
- (6) IS ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE OR IS A HABITUAL USER AS DEFINED IN § 5-101 OF THIS TITLE;
- (7) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10-101(I)(2) OF THE HEALTH – GENERAL ARTICLE, AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PURCHASER, LESSEE, TRANSFEREE, RECIPIENT, OR ANOTHER, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT POSSESSES A PHYSICIAN’S CERTIFICATE THAT THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT IS CAPABLE OF POSSESSING A REGULATED

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FIREARM WITHOUT UNDUE DANGER TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR TO ANOTHER;

(8) HAS BEEN CONFINED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT POSSESSES A PHYSICIAN’S CERTIFICATE THAT THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR TO ANOTHER;

(9) IS A RESPONDENT AGAINST WHOM A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE;

(10) IF UNDER THE AGE OF 30 YEARS AT THE TIME OF THE TRANSACTION, HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR AN ACT THAT WOULD BE A DISQUALIFYING CRIME IF COMMITTED BY AN ADULT;

(11) IS VISIBLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS;

(12) IS A PARTICIPANT IN A STRAW PURCHASE; OR

(13) INTENDS TO USE THE RIFLE OR SHOTGUN TO:

(I) COMMIT A CRIME; OR

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**(II) CAUSE HARM TO THE PURCHASER, LESSEE,  
TRANSFeree, OR RECIPIENT OR ANOTHER PERSON.**

**(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.”.**

On pages 5 through 14, strike in their entirety the lines beginning with line 33 on page 5 through line 25 on page 14, inclusive.