
By: The Speaker (Administration) and Delegates Cummings, Genn, Montague, Menes, Dembrow, R. Baker, E. Burns, Grosfeld, Perry, Petzold, Turner, Valderrama, Hixson, Rawlings, Barve, Benson, Billings, Bobo, Boston, Branch, Clagett, Crumlin, D. Davis, Dypski, Exum, Franchot, Frush, Fulton, Goldwater, Gordon, Harrison, Hecht, Heller, Howard, Hubbard, B. Hughes, Hurson, Kagan, Kirk, Kopp, Mandel, Marriott, McIntosh, C. Mitchell, Muse, Oaks, Opara, Nathan-Pulliam, Parker, Patterson, Pendergrass, Pitkin, Proctor, Rosapepe, Rosenberg, Shriver, and Campbell

Introduced and read first time: January 24, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Gun Violence Act of 1996**

3 FOR the purpose of prohibiting the purchase of more than a certain number of regulated
4 firearms during a certain period; establishing certain exceptions; establishing a
5 procedure for making multiple purchases; prohibiting a dealer from selling or
6 transferring a regulated firearm under certain circumstances; prohibiting a dealer or
7 person from selling, renting, transferring, possessing, receiving, or purchasing a
8 firearm or any high capacity magazine in violation of federal, State, or local law;
9 prohibiting a person from participating in a straw purchase of a regulated firearm;
10 providing certain exceptions; requiring certain private sales, purchases, and
11 transfers of regulated firearms to comply with certain requirements; providing for a
12 certain fee; requiring a valid Maryland driver's license or photographic
13 identification card with approved firearms purchase designation for the purchase or
14 receipt of a regulated firearm; establishing requirements and procedures for the
15 issuance and renewal of a firearms purchase approval designation; providing for the
16 revocation of a firearms purchase approval designation under certain circumstances;
17 providing for a hearing process; prohibiting a person from disarming a law
18 enforcement officer under certain circumstances; making certain penalties
19 applicable to the discharge of a firearm from a motor vehicle; providing that a
20 person who possesses a firearm during and in relation to a drug trafficking offense
21 under certain circumstances is guilty of a separate felony and subject to certain
22 penalties; clarifying that a person is guilty of a separate misdemeanor if the person
23 uses a certain firearm in the commission of certain crimes whether the firearm is
24 operable or inoperable; authorizing the court to order a certain respondent to
25 surrender a firearm for a certain period under certain circumstances; requiring a
26 law enforcement officer who responds to a domestic violence scene to remove a
27 firearm from certain premises under certain circumstances; requiring a law
28 enforcement officer to provide certain information to the owner of a firearm and to
29 provide for the safe storage of the firearm; authorizing the use of a facsimile

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1 machine to forward a certain application to the Department of State Police;
2 revising, reorganizing, and clarifying certain laws pertaining to the sale or transfer
3 of certain regulated firearms by certain individuals; providing that certain sales,
4 transfers, and possessions of firearms prohibited under federal law are prohibited
5 under State law; altering a certain notice provision on a certain application; altering
6 certain fees; defining certain terms; altering certain definitions; providing certain
7 penalties; making stylistic and technical changes; and generally relating to gun
8 violence.

9 BY repealing

10 Article 27 - Crimes and Punishments
11 Section 406, 441, and 448
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

14 BY adding to

15 Article 27 - Crimes and Punishments
16 Section 36A-1; and 441, 441A, 442A, 442B, 445A, 445B, 448, and 449 to be under
17 the amended subheading "Regulated Firearms"
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article 27 - Crimes and Punishments
22 Section 36B(d), 120, 281A, 442, 443, 443A, 445, and 446
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1995 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article - Family Law
27 Section 4-506
28 Annotated Code of Maryland
29 (1991 Replacement Volume and 1995 Supplement)

30 BY adding to

31 Article - Family Law
32 Section 4-511
33 Annotated Code of Maryland
34 (1991 Replacement Volume and 1995 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
36 MARYLAND, That the Laws of Maryland read as follows:

3

1 **Article 27 - Crimes and Punishments**

2 36A-1.

3 (A) A PERSON MAY NOT REMOVE A LAW ENFORCEMENT OFFICER'S FIREARM
4 FROM THE OFFICER'S PERSON, OR OTHERWISE DISARM A LAW ENFORCEMENT
5 OFFICER, WITH THE INTENT TO THREATEN OR USE THE FIREARM AGAINST THE
6 OFFICER OR ANOTHER PERSON.

7 (B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY
8 OF A FELONY AND UPON CONVICTION SHALL BE SENTENCED TO NOT LESS THAN 10
9 YEARS' IMPRISONMENT OR FINED \$10,000 OR BOTH.

10 36B.

11 (d) Any person who shall use a handgun or an antique firearm capable of being
12 concealed on the person in the commission of any felony or any crime of violence as
13 defined in § 441 of this article, WHETHER OPERABLE OR INOPERABLE AT THE TIME OF
14 THE OFFENSE, shall be guilty of a separate misdemeanor and on conviction thereof shall,
15 in addition to any other sentence imposed by virtue of commission of said felony or
16 misdemeanor:

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

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

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

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

28 120.

29 (a) Any person who recklessly engages in conduct that creates a substantial risk of
30 death or serious physical injury to another person is guilty of the misdemeanor of reckless
31 endangerment and on conviction is subject to a fine not exceeding \$5,000 or
32 imprisonment not exceeding 5 years or both.

33 (b) (1) [This] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
34 SUBSECTION, THIS section does not apply to any conduct involving the use of a motor
35 vehicle as defined in § 11-135 of the Transportation Article.

36 (2) THE PENALTY PROVIDED UNDER SUBSECTION (A) OF THIS SECTION
37 APPLIES TO THE DISCHARGE OF A FIREARM FROM A MOTOR VEHICLE.

38 (c) This section does not apply to any conduct involving the manufacture,
39 production, or sale of any product or commodity.

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1 281A.

2 (a) (1) In this section the following terms have the meanings indicated.

3 (2) "Drug trafficking crime" means:

4 (i) Any felony involving the possession, distribution, manufacture, or
5 importation of a controlled dangerous substance under §§ 286 and 286A of this article; or

6 (ii) Conspiracy to commit any felony involving possession, distribution,
7 manufacture, or importation of a controlled dangerous substance under §286 or § 286A
8 of this article.

9 (3) "Firearm silencer or muffler" means any device that is designed for
10 silencing, muffling, or diminishing the report of a firearm including any combination of
11 parts designed, redesigned, or intended for use in assembling or fabricating a firearm
12 silencer or muffler.

13 (b) During and in relation to any drug trafficking crime, a person WHO
14 POSSESSES A FIREARM UNDER SUFFICIENT CIRCUMSTANCES TO CONSTITUTE A
15 NEXUS TO THE DRUG TRAFFICKING CRIME OR who uses, wears, carries, or transports
16 a firearm is guilty of a separate felony and on conviction shall, in addition to the sentence
17 provided for the drug trafficking crime, be sentenced as follows:

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

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

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

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

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

32 (c) The minimum mandatory sentence provided in subsection (b)(1) and (2) of
33 this section shall be doubled if the firearm is:

34 (1) Any firearm listed in § 36H-1 or § 481E of this article;

35 (2) A machine gun; or

36 (3) Equipped with a firearm silencer or muffler.

37 (d) (1) Any firearm or ammunition seized under this section is contraband and
38 shall be summarily forfeited.

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1 (2) If the owner or possessor of property seized under this section is
2 acquitted or the charges against the person are dismissed, the seized property shall be
3 returned to the owner or possessor within 90 days if not otherwise prohibited by law
4 unless forfeiture proceedings have commenced.

5 (3) If the State enters a nolle prosequi against the owner or possessor of
6 property seized under this section and does not charge the person within 90 days after the
7 nolle prosequi is entered, the seized property shall be promptly returned to the owner or
8 possessor if not otherwise prohibited by law.

9 [406.

10 (a) It shall be unlawful for any person to sell, barter or give away to any minor:

11 (1) Any firearms or other deadly weapons or ammunition, except with the
12 express permission of a parent or guardian of the minor; or

13 (2) Pepper mace.

14 (b) Any person violating this section shall on conviction pay a fine of not less than
15 fifty nor more than two hundred dollars, together with the costs of prosecution. On
16 failure to pay the fine and costs, the person shall be committed to jail and confined until
17 such fine and costs are paid, or for the period of sixty days, whichever shall first occur.

18 (c) The provisions of this section do not apply to:

19 (1) A member of any organized militia in Maryland, when said member is
20 engaged in supervised training, marksmanship activities or any other performance of his
21 official duty; or

22 (2) Any adult or qualified supervisor or instructor of a recognized
23 organization engaged in the instruction of marksmanship.

24 (d) In this section, "pepper mace" means an aerosol propelled combination of
25 highly disabling irritant pepper based products and is also known as oleoresin capsicum
26 (o.c.) spray.]

27 [Pistols] REGULATED FIREARMS

28 [441.

29 (a) As used in this subtitle --

30 (b) The term "person" includes an individual, partnership, association or
31 corporation.

32 (c) The term "pistol or revolver" means any firearm with barrel less than twelve
33 inches in length, including signal, starter, and blank pistols.

34 (d) The term "dealer" means any person engaged in the business of selling
35 firearms at wholesale or retail, or any person engaged in the business of repairing such
36 firearms.

1 (e) The term "crime of violence" means abduction; arson in the firstdegree;
2 burglary in the first, second, or third degree; escape; kidnapping; manslaughter, excepting
3 involuntary manslaughter; mayhem; murder; rape; robbery; robbery with a deadly
4 weapon; carjacking or armed carjacking; sexual offense in the first degree; and sodomy; or
5 an attempt to commit any of the aforesaid offenses; or assault with intent to commit any
6 other offense punishable by imprisonment for more than one year.

7 (f) The term "fugitive from justice" means any person who has fled from a sheriff
8 or other peace officer within this State, or who has fled from any state, territory or the
9 District of Columbia, or possession of the United States, to avoid prosecution for a crime
10 of violence or to avoid giving testimony in any criminal proceeding.

11 (g) The term "antique pistol or revolver" means:

12 (1) Any pistol or revolver (including any pistol or revolver with a matchlock,
13 flintlock, percussion cap, or similar type of ignition system) manufactured in or before
14 1898; and

15 (2) Any replica of any pistol or revolver described in paragraph (1) if the
16 replica:

17 (i) Is not designed or redesigned for using rimfire or conventional
18 centerfire fixed ammunition; or

19 (ii) Uses rimfire or conventional centerfire fixed ammunition which is
20 no longer manufactured in the United States and which is not readily available in the
21 ordinary channels of commercial trade.]

22 441.

23 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (B) "ALCOHOL OFFENSE" MEANS AN OFFENSE UNDER § 21-902(A), (B), OR (C)
26 OF THE TRANSPORTATION ARTICLE OR § 388A OF THIS ARTICLE.

27 (C) "ANTIQUÉ FIREARM" MEANS:

28 (1) ANY FIREARM (INCLUDING ANY FIREARM WITH A MATCHLOCK,
29 FLINTLOCK, PERCUSSION CAP, OR SIMILAR TYPE OF IGNITION SYSTEM)
30 MANUFACTURED PRIOR TO 1899; OR

31 (2) ANY REPLICÁ OF ANY FIREARM DESCRIBED IN PARAGRAPH (1) OF
32 THIS SUBSECTION IF THE REPLICÁ:

33 (I) IS NOT DESIGNED OR REDESIGNED FOR USING RIMFIRE OR
34 CONVENTIONAL CENTERFIRE FIXED AMMUNITION; OR

35 (II) USES RIMFIRE OR CONVENTIONAL CENTERFIRE FIXED
36 AMMUNITION WHICH IS NO LONGER MANUFACTURED IN THE UNITED STATES AND
37 WHICH IS NOT READILY AVAILABLE IN THE ORDINARY CHANNELS OF COMMERCIAL
38 TRADE.

1 (D) "ASSAULT WEAPON" MEANS ANY OF THE FOLLOWING SPECIFIC
2 FIREARMS OR THEIR COPIES REGARDLESS OF WHICH COMPANY PRODUCED AND
3 MANUFACTURED THAT FIREARM:

- 4 (1) AMERICAN ARMS SPECTRE DA SEMIAUTOMATIC CARBINE;
- 5 (2) AK-47 IN ALL FORMS;
- 6 (3) ALGIMEC AGM-1 TYPE SEMI-AUTO;
- 7 (4) AR 100 TYPE SEMI-AUTO;
- 8 (5) AR 180 TYPE SEMI-AUTO;
- 9 (6) ARGENTINE L.S.R. SEMI-AUTO;
- 10 (7) AUSTRALIAN AUTOMATIC ARMS SAR TYPE SEMI-AUTO;
- 11 (8) AUTO-ORDNANCE THOMPSON M1 AND 1927 SEMI-AUTOMATICS;
- 12 (9) BARRETT LIGHT .50 CAL. SEMI-AUTO;
- 13 (10) BERETTA AR70 TYPE SEMI-AUTO;
- 14 (11) BUSHMASTER SEMI-AUTO RIFLE;
- 15 (12) CALICO MODELS M-100 AND M-900;
- 16 (13) CIS SR 88 TYPE SEMI-AUTO;
- 17 (14) CLARIDGE HI TEC C-9 CARBINES;
- 18 (15) COLT AR-15, CAR-15, AND ALL IMITATIONS EXCEPT COLT AR-15
19 SPORTER H-BAR RIFLE;
- 20 (16) DAEWOO MAX 1 AND MAX 2, AKA AR 100, 110C, K-1, AND K-2;
- 21 (17) DRAGUNOV CHINESE MADE SEMI-AUTO;
- 22 (18) FAMAS SEMI-AUTO (.223 CALIBER);
- 23 (19) FEATHER AT-9 SEMI-AUTO;
- 24 (20) FN LAR AND FN FAL ASSAULT RIFLE;
- 25 (21) FNC SEMI-AUTO TYPE CARBINE;
- 26 (22) F.I.E./FRANCHI LAW 12 AND SPAS 12 ASSAULT SHOTGUN;
- 27 (23) STEYR-AUG-SA SEMI-AUTO;
- 28 (24) GALIL MODELS AR AND ARM SEMI-AUTO;
- 29 (25) HECKLER AND KOCH HK-91 A3, HK-93 A2, HK-94 A2 AND A3;
- 30 (26) HOLMES MODEL 88 SHOTGUN;

(27) AVTOMAT KALASHNIKOV SEMIAUTOMATIC RIFLE IN ANY FORMAT;

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- 1 (28) MANCHESTER ARMS "COMMANDO" MK-45, MK-9;
- 2 (29) MANDELL TAC-1 SEMI-AUTO CARBINE;
- 3 (30) MOSSBERG MODEL 500 BULLPUP ASSAULT SHOTGUN;
- 4 (31) STERLING MARK 6;
- 5 (32) P.A.W.S. CARBINE;
- 6 (33) RUGER MINI-14 FOLDING STOCK MODEL (.223 CALIBER);
- 7 (34) SIG 550/551 ASSAULT RIFLE (.223 CALIBER);
- 8 (35) SKS WITH DETACHABLE MAGAZINE;
- 9 (36) AP-74 COMMANDO TYPE SEMI-AUTO;
- 10 (37) SPRINGFIELD ARMORY BM-59, SAR-48, G3, SAR-3, M-21 SNIPER RIFLE,
11 M1A, EXCLUDING THE M1 GARAND;
- 12 (38) STREET SWEEPER ASSAULT TYPE SHOTGUN;
- 13 (39) STRIKER 12 ASSAULT SHOTGUN IN ALL FORMATS;
- 14 (40) UNIQUE F11 SEMI-AUTO TYPE;
- 15 (41) DAEWOO USAS 12 SEMI-AUTO SHOTGUN;
- 16 (42) UZI 9MM CARBINE OR RIFLE;
- 17 (43) VALMET M-76 AND M-78 SEMI-AUTO;
- 18 (44) WEAVER ARMS "NIGHTHAWK" SEMI-AUTO CARBINE;
- 19 (45) WILKINSON ARMS 9MM SEMI-AUTO "TERRY"; OR
- 20 (46) ANY OTHER FIREARM DEFINED AS AN ASSAULT WEAPON BY
21 FEDERAL LAW.

22 (E) "CRIME OF VIOLENCE" MEANS:

- 23 (1) ABDUCTION;
- 24 (2) ARSON IN THE FIRST DEGREE;
- 25 (3) BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE;
- 26 (4) CARJACKING AND ARMED CARJACKING;
- 27 (5) ESCAPE;
- 28 (6) KIDNAPPING;
- 29 (7) VOLUNTARY MANSLAUGHTER;
- 30 (8) MAIMING;

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- 1 (9) MAYHEM;
- 2 (10) MURDER IN THE FIRST OR SECOND DEGREE;
- 3 (11) RAPE IN THE FIRST OR SECOND DEGREE;
- 4 (12) ROBBERY;
- 5 (13) ROBBERY WITH A DANGEROUS OR DEADLY WEAPON;
- 6 (14) SEXUAL OFFENSE IN THE FIRST, SECOND, OR THIRD DEGREE;
- 7 (15) AN ATTEMPT TO COMMIT ANY OF THE AFORESAID OFFENSES; OR
- 8 (16) ASSAULT WITH INTENT TO COMMIT ANY OF THE AFORESAID
- 9 OFFENSES OR ANY OFFENSE PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1
- 10 YEAR.

11 (F) "DEALER" MEANS ANY PERSON WHO IS ENGAGED IN THE BUSINESS OF:

- 12 (1) SELLING, RENTING, OR TRANSFERRING FIREARMS AT WHOLESALE
- 13 OR RETAIL; OR
- 14 (2) REPAIRING FIREARMS.

15 (G) "DESIGNATED LAW ENFORCEMENT AGENCY" MEANS ANY LAW

16 ENFORCEMENT AGENCY APPROVED AND DESIGNATED BY THE SECRETARY TO

17 PROCESS APPLICATIONS TO PURCHASE REGULATED FIREARMS FOR SECONDARY

18 SALES.

19 (H) "ENGAGED IN THE BUSINESS" MEANS ANY PERSON WHO:

- 20 (1) IS LICENSED AS A MARYLAND REGULATED FIREARMS DEALER;
- 21 (2) IS LICENSED AS A FEDERAL FIREARMS DEALER;
- 22 (3) DEVOTES TIME, ATTENTION, AND LABOR TO DEALING IN FIREARMS
- 23 AS A REGULAR COURSE OF TRADE OR BUSINESS WITH THE PRINCIPAL OBJECTIVE
- 24 OF EARNING A PROFIT THROUGH THE REPEATED PURCHASE AND RESALE OF
- 25 FIREARMS; OR
- 26 (4) REPAIRS FIREARMS AS A REGULAR COURSE OF TRADE OR
- 27 BUSINESS.

28 (I) "FIREARM" MEANS:

- 29 (1) ANY WEAPON (INCLUDING A STARTER GUN) WHICH WILL OR IS
- 30 DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE
- 31 ACTION OF AN EXPLOSIVE; OR
- 32 (2) THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

33 (J) "FUGITIVE FROM JUSTICE" MEANS ANY PERSON WHO HAS FLED FROM A

34 SHERIFF OR OTHER PEACE OFFICER WITHIN THIS STATE, OR WHO HAS FLED FROM

35 ANY STATE, THE DISTRICT OF COLUMBIA, OR TERRITORY OR POSSESSION OF THE

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1 UNITED STATES, TO AVOID PROSECUTION FOR A CRIME OR TO AVOID GIVING
2 TESTIMONY IN ANY CRIMINAL PROCEEDING.

3 (K) "GUN SHOW" MEANS ANY ORGANIZED GATHERING OPEN TO THE PUBLIC
4 AT WHICH ANY FIREARM IS DISPLAYED.

5 (L) "HABITUAL DRUNKARD" MEANS ANY PERSON WHO HAS BEEN
6 CONVICTED OF ANY THREE ALCOHOL OFFENSES, ONE OF WHICH OCCURRED
7 WITHIN THE PAST 3 YEARS.

8 (M) "HABITUAL USER OF CONTROLLED DANGEROUS SUBSTANCES" MEANS
9 ANY PERSON WHO HAS BEEN CONVICTED OF TWO CONTROLLED DANGEROUS
10 SUBSTANCE OFFENSES, ONE OF WHICH OCCURRED WITHIN THE PAST 5 YEARS.

11 (N) "HANDGUN" MEANS ANY FIREARM WITH A BARREL LESS THAN 16 INCHES
12 IN LENGTH INCLUDING SIGNAL, STARTER, AND BLANK PISTOLS.

13 (O) "MINOR" MEANS ANY PERSON UNDER THE AGE OF 18 YEARS.

14 (P) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, OR
15 CORPORATION.

16 (Q) "REGULATED FIREARM" MEANS:

17 (1) ANY HANDGUN AS DEFINED IN THIS SECTION;

18 (2) ANY ASSAULT WEAPON AS DEFINED IN THIS SECTION; OR

19 (3) ANY FIREARM WHOSE SALE OR TRANSFER IS SUBJECT TO THE
20 PROVISIONS OF THIS SUBTITLE.

21 (R) "REGULATED FIREARMS DEALER" MEANS ANY PERSON WHO POSSESSES
22 A VALID MARYLAND REGULATED FIREARMS DEALERS LICENSE ISSUED BY THE
23 SECRETARY.

24 (S) "SECONDARY SALE" MEANS ANY SALE OF A REGULATED FIREARM
25 WHERE NEITHER PARTY TO THE TRANSACTION IS ENGAGED IN THE BUSINESS AS
26 DEFINED IN THIS SUBSECTION.

27 (T) "SECRETARY" MEANS THE SECRETARY OF THE STATE POLICE OR THE
28 SECRETARY'S DESIGNEE.

29 (U) "STRAW PURCHASE" MEANS ANY SALE OF A REGULATED FIREARM
30 WHERE THE REAL PURCHASER USES ANOTHER PERSON (THE STRAW PURCHASER)
31 TO COMPLETE THE APPLICATION TO PURCHASE A REGULATED FIREARM, TAKE
32 INITIAL POSSESSION OF THAT FIREARM, AND SUBSEQUENTLY TRANSFER THAT
33 FIREARM TO THE REAL PURCHASER.

34 441A.

35 THE PROHIBITIONS OF THIS SUBHEADING DO NOT APPLY TO:

36 (1) THE TRANSFER OR POSSESSION OF A REGULATED FIREARM OR
37 DETACHABLE MAGAZINE BY A LICENSED MANUFACTURER, DEALER, OR IMPORTER

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1 FOR THE PURPOSES OF TESTING OR EXPERIMENTATION AUTHORIZED BY THE
2 SECRETARY;

3 (2) THE TRANSFER OR POSSESSION OF AN ANTIQUE FIREARM;

4 (3) LAW ENFORCEMENT PERSONNEL OF THE UNITED STATES
5 GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE UNITED STATES,
6 MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL
7 GUARD, OR LAW ENFORCEMENT PERSONNEL OF THIS STATE OR ANY LOCAL
8 AGENCY IN THIS STATE WHILE SUCH PERSONS ARE ACTING WITHIN THE SCOPE OF
9 THEIR OFFICIAL DUTIES;

10 (4) ANY REGULATED FIREARM MODIFIED TO RENDER IT
11 PERMANENTLY INOPERATIVE;

12 (5) PURCHASES, SALES, AND TRANSPORT TO OR BY A LICENSED GUN
13 DEALER OR MANUFACTURER WHO IS PROVIDING OR SERVICING A FIREARM FOR
14 LAW ENFORCEMENT AGENCIES OR FOR ANY ENTITY EXEMPTED UNDER ITEM (3) OF
15 THIS SECTION;

16 (6) ORGANIZATIONS THAT ARE REQUIRED OR AUTHORIZED BY
17 FEDERAL LAW OR REGULATIONS GOVERNING THEIR SPECIFIC BUSINESS OR
18 ACTIVITY TO MAINTAIN FIREARMS; OR

19 (7) THE RECEIPT OF A REGULATED FIREARM BY INHERITANCE
20 PROVIDED THE HEIR:

21 (I) POSSESSES A VALID MARYLAND DRIVER'S LICENSE OR
22 PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE
23 DESIGNATION AS REQUIRED UNDER § 442A OF THIS SUBHEADING; AND

24 (II) REGISTERS THE REGULATED FIREARM WITH THE SECRETARY.

25 442.

26 (a) All restrictions imposed by the laws, ordinances or regulations of all
27 subordinated jurisdictions within the State of Maryland on sales of [pistols or revolvers]
28 REGULATED FIREARMS are superseded by this section, and the State of Maryland
29 hereby preempts the rights of such jurisdictions to regulate the sale of [pistols and
30 revolvers] REGULATED FIREARMS.

31 (B) NO DEALER OR PERSON SHALL SELL, RENT, TRANSFER, POSSESS,
32 RECEIVE, OR PURCHASE ANY FIREARM OR ANY HIGH CAPACITY MAGAZINE IN
33 VIOLATION OF FEDERAL, STATE, OR LOCAL LAWS.

34 (C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A PERSON
35 MAY NOT KNOWINGLY OR WILLFULLY PARTICIPATE IN A STRAW PURCHASE OF A
36 REGULATED FIREARM.

37 (2) THE PROHIBITIONS OF THIS SUBSECTION DO NOT APPLY TO A
38 PERSON PURCHASING A REGULATED FIREARM AS A GIFT PROVIDED:

39 (I) THE RECIPIENT OF THE GIFT IS A RESIDENT OF THIS STATE;

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1 (II) BOTH THE PURCHASER AND RECIPIENT OF THE GIFT COMPLY
2 WITH THE REQUIREMENTS UNDER THIS SUBHEADING PERTAINING TO THE
3 POSSESSION, SALE, RENTAL, RECEIPT, TRANSFER, OR PURCHASE OF A REGULATED
4 FIREARM, UNLESS THE GIFT IS IN THE FORM OF A GIFT CERTIFICATE, IN WHICH
5 CASE ONLY THE RECIPIENT SHALL COMPLY WITH THE REQUIREMENTS; AND

6 (III) THAT UPON RECEIPT OF THE REGULATED FIREARM, THE
7 RECIPIENT REGISTERS THE REGULATED FIREARM IN THE RECIPIENT'S NAME WITH
8 THE SECRETARY.

9 [(b)] (D) No REGULATED FIREARMS dealer shall sell, RENT, or transfer any
10 [pistol or revolver] REGULATED FIREARM until after seven days shall have elapsed
11 from the time an application to purchase or transfer shall have been executed by the
12 prospective purchaser or transferee, in triplicate, and THE ORIGINAL COPY IS forwarded
13 by the prospective seller or transferor to the Secretary [of the State Police].

14 (E) (1) A PERSON MAY NOT SELL, RENT, TRANSFER, OR PURCHASE ANY
15 REGULATED FIREARM UNTIL AFTER 7 DAYS SHALL HAVE ELAPSED FROM THE TIME
16 AN APPLICATION TO PURCHASE OR TRANSFER SHALL HAVE BEEN EXECUTED BY
17 THE PROSPECTIVE PURCHASER OR TRANSFEREE, IN TRIPPLICATE, AND THE
18 ORIGINAL COPY IS FORWARDED BY A REGULATED FIREARMS DEALER TO THE
19 SECRETARY.

20 (2) AS AN ALTERNATIVE TO COMPLETING A SECONDARY SALE OF A
21 REGULATED FIREARM THROUGH A REGULATED FIREARMS DEALER, THE
22 PROSPECTIVE SELLER OR TRANSFEROR AND THE PROSPECTIVE PURCHASER OR
23 TRANSFEREE MAY COMPLETE THE TRANSACTION THROUGH A DESIGNATED LAW
24 ENFORCEMENT AGENCY.

25 (3) A PERSON WHO MAKES AN APPLICATION TO PURCHASE OR
26 TRANSFER A REGULATED FIREARM BY SECONDARY SALE SHALL PAY A
27 PROCESSING FEE NOT TO EXCEED \$20 TO THE REGULATED FIREARMS DEALER OR
28 DESIGNATED LAW ENFORCEMENT AGENCY.

29 [(c)] (F) The REGULATED FIREARMS dealer OR DESIGNATED LAW
30 ENFORCEMENT AGENCY shall promptly after receiving an application to purchase or
31 transfer, completed in accordance with subsection [(e)] (I) below, forward one copy of
32 the same, by certified mail OR BY FACSIMILE MACHINE, to the Secretary [of the State
33 Police]. The copy forwarded to the Secretary shall contain the name, address, and
34 signature of the prospective seller or transferor. The prospective seller or transferor shall
35 retain one copy of the application for a period of not less than three years. The
36 prospective purchaser or transferee shall be entitled to the remaining copy of the
37 application.

38 [(d)] (G) (1) A person who makes an application to purchase or transfer a
39 [pistol or revolver] REGULATED FIREARM shall pay to the REGULATED FIREARMS
40 dealer OR DESIGNATED LAW ENFORCEMENT AGENCY a \$10 application fee with the
41 application to purchase or transfer.

13

1 (2) The REGULATED FIREARMS dealer OR DESIGNATED LAW
2 ENFORCEMENT AGENCY shall forward the \$10 application fee along with the application
3 to the Secretary [of the State Police].

4 (3) IF THE REGULATED FIREARMS DEALER OR DESIGNATED LAW
5 ENFORCEMENT AGENCY UTILIZES A FACSIMILE MACHINE TO FORWARD THE
6 APPLICATION TO THE SECRETARY, THE DEALER OR DESIGNATED LAW
7 ENFORCEMENT AGENCY SHALL:

8 (I) BE BILLED \$10 FOR EACH APPLICATION FORWARDED TO THE
9 SECRETARY DURING THE MONTH; AND

10 (II) PAY THE TOTAL APPLICATION FEE BY THE 15TH DAY OF THE
11 NEXT MONTH.

12 [(e)] (H) The application to purchase or transfer shall bear the following legend:
13 "Any false information supplied or statement made in this application is a crime which
14 may be punished by imprisonment for a period of not more than three years, or a fine of
15 not more than \$5,000, or both."

16 [(f)] (I) The application to purchase or transfer shall contain the following
17 information:

18 (1) Applicant's name, address, DRIVER'S OR PHOTOGRAPHIC
19 IDENTIFICATION SOUNDEX NUMBER, SOCIAL SECURITY NUMBER, occupation, place
20 and date of birth, height, weight, race, eye and hair color and signature. In the event the
21 applicant is a corporation, the application shall be completed and executed by a corporate
22 officer who is a resident of [the jurisdiction in which the application is made] THIS
23 STATE.

24 (2) A statement by the applicant UNDER THE PENALTY OF PERJURY that
25 he or she:

26 (i) Has never been convicted of [a crime of violence, in this State or
27 elsewhere, or of a violation of any of the provisions of §§ 286, 286A or 286C of this article
28 or any conspiracy to commit any crimes established by those sections, or of any of the
29 provisions of this subtitle.]:

30 1. A CRIME OF VIOLENCE;

31 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE;

32 3. ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
33 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; OR

34 4. ANY VIOLATION CLASSIFIED AS A COMMON LAW
35 OFFENSE WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE
36 THAN 2 YEARS.

37 (ii) Is not a fugitive from justice.

38 (iii) Is not a habitual drunkard.

14

1 (iv) Is not an addict or habitual user of [narcotics, barbiturates or
2 amphetamines] ANY CONTROLLED DANGEROUS SUBSTANCES.

3 (v) Has never spent more than thirty consecutive days in any medical
4 institution for treatment of a mental disorder or disorders, unless there is attached to the
5 application a physician's certificate, issued within thirty days prior to the date of
6 application, certifying that the applicant is capable of possessing a [pistol or revolver]
7 REGULATED FIREARM without undue danger to himself or herself, or to others.

8 (vi) Is a least 21 years of age [as required by federal law].

9 (vii) Has [or has not submitted a prior application and, if so, when and
10 where] NEVER BEEN A RESPONDENT AGAINST WHOM A NON EX PARTE CIVIL
11 PROTECTION ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW
12 ARTICLE.

13 (VIII) IS NOT PROHIBITED BY FEDERAL LAW FROM PURCHASING OR
14 POSSESSING A FIREARM.

15 (3) The date and hour the application was delivered in completed form to
16 the prospective seller or transferor by the prospective purchaser or transferee.

17 [(g)] (J) The Secretary [of the Department of State Police] may request the
18 assistance of the police commissioner of Baltimore City, the chief of police in any county
19 maintaining a police force, or the sheriff in a county not maintaining a police force and
20 shall promptly upon receipt of an application to purchase or transfer conduct an
21 investigation in order to determine the truth of falsity of the information supplied and
22 statements made in said application. If it be thereupon determined that any false
23 information or statement has been supplied or made by the applicant, [or] that the
24 application has not been properly completed, OR THAT WRITTEN NOTIFICATION FROM
25 A LICENSED PHYSICIAN HAS BEEN RECEIVED STATING THAT THE APPLICANT IS
26 SUFFERING FROM A MENTAL DISORDER OR DISORDERS AND IS A DANGER TO
27 HIMSELF OR HERSELF OR TO OTHERS, the [said] Secretary [or any specific member of
28 the Department of State Police authorized by the Secretary to act as the Secretary's agent
29 in matters relating to pistol or revolver sales] shall notify the prospective seller or
30 transferor, in writing, within seven days from the date the executed application to
31 purchase or transfer was forwarded by certified mail OR FACSIMILE MACHINE, of his
32 disapproval of said application. Written notification of such disapproval shall be
33 thereafter forwarded by the Secretary [or the Secretary's duly authorized agent or
34 agents] to the prospective purchaser or transferee. The date upon which the executed
35 application to purchase or transfer was forwarded by certified mail OR BY FACSIMILE
36 MACHINE TO THE SECRETARY by the prospective seller or transferor shall be
37 considered as the first day of the seven-day period allowed for notice of disapproval to
38 the said prospective seller or transferor. If the seventh day of the seven-day period
39 allowed for the said notice of disapproval shall fall on a Sunday or legal holiday, the
40 computation period shall be extended to the first day next following, which is neither a
41 Sunday nor a legal holiday.

42 [(h)] (K) No REGULATED FIREARMS dealer OR PERSON shall sell, RENT, or
43 transfer a [pistol or revolver] REGULATED FIREARM to an applicant whose application
44 has been PLACED ON HOLD OR [timely] disapproved, unless such disapproval has been

15

1 subsequently withdrawn by the Secretary [of the State Police or the Secretary's duly
2 authorized agent or agents] or overruled by the action of the courts pursuant to
3 subsection [(i)] (J) of this section.

4 [(i)] (L) (1) Any prospective purchaser or transferee aggrieved by the action of
5 the [Department of] State Police may request a hearing within 30 days from the date
6 when written notice was forwarded to the aggrieved person by writing to the Secretary [of
7 the State Police], who shall grant the hearing within fifteen days of the request.

8 (2) The hearing and subsequent proceedings of judicial review, if any,
9 thereupon following shall be conducted in accordance with the provisions of the
10 Administrative Procedure Act.

11 (3) The hearing shall be held in the county of the legal residence of the
12 aggrieved person. [If the aggrieved person is not a State resident, the hearing shall be
13 held at a location designated by the Secretary of the State Police].

14 [(j)] (M) Any REGULATED FIREARMS dealer who sells, RENTS, or transfers a
15 [pistol or revolver] REGULATED FIREARM in compliance with this subtitle shall forward
16 a copy of the written notification of such completed transaction, within seven days from
17 the date of delivery of the [said pistol or revolver] REGULATED FIREARM, to the
18 Secretary [of the State Police], whose duty it shall be to maintain a permanent record of
19 all such completed sales and transfers of [pistols and revolvers] REGULATED
20 FIREARMS in the State. The notification shall contain an identifying description of the
21 [pistol or revolver] REGULATED FIREARM sold or transferred including its caliber,
22 make, model, manufacturer's serial number, if any, and any other special or peculiar
23 characteristics or marking by which the [said pistol or revolver] REGULATED FIREARM
24 may be identified.

25 (N) (1) A REGULATED FIREARMS DEALER SHALL COMPLETE THE SALE OR
26 TRANSFER OF A REGULATED FIREARM WITHIN 90 DAYS OF THE DATE THE
27 PROSPECTIVE PURCHASER OR TRANSFEREE'S APPLICATION WAS STAMPED BY THE
28 SECRETARY AS NOT BEING DISAPPROVED.

29 (2) A REGULATED FIREARMS DEALER SHALL WITHIN 7 DAYS, RETURN
30 TO THE SECRETARY ANY APPLICATION FOR WHICH THE SALE OR TRANSFER OF A
31 REGULATED FIREARM WAS NOT COMPLETED WITHIN 90 DAYS OF THE DATE THE
32 APPLICATION WAS STAMPED BY THE SECRETARY AS NOT BEING DISAPPROVED. ALL
33 SUCH APPLICATIONS RETURNED TO THE SECRETARY SHALL BE VOIDED AS AN
34 INCOMPLETE SALE.

35 [(k)] (O) Nothing in this section shall be construed to affect sales and/or transfers
36 for bona fide resale in the ordinary course of business of a person duly licensed under §
37 443 of this subtitle, or sales, transfer, and/or the use of [pistols or revolvers]
38 REGULATED FIREARMS by any person authorized or required to sell, transfer, and/or
39 use [such pistols or revolvers] REGULATED FIREARMS as part of his or her duties as a
40 member of any official police force or other law enforcement agency, the armed forces of
41 the United States, including all official reserve organizations, or the Maryland National
42 Guard.

16

1 [(1) Any person who knowingly gives any false information or makes any material
2 misstatement in an application required by this section, or who fails to promptly forward
3 such application to the Secretary of the State Police or the Secretary's duly authorized
4 agent or agents, or who sells or transfers a pistol or revolver to a person other than the
5 one by whom application was made, or who otherwise sells, transfers, purchases, or
6 receives transfer of a pistol or revolver in violation of this section, shall upon conviction
7 thereof be subject to the penalties hereinafter provided in § 448 of this subtitle.]

8 442A.

9 (A) A REGULATED FIREARMS DEALER OR PERSON MAY ONLY SELL OR
10 TRANSFER A REGULATED FIREARM TO ANOTHER PERSON IF THE PURCHASER OR
11 TRANSFEREE PRESENTS TO THE SELLER OR TRANSFEROR A VALID MARYLAND
12 DRIVER'S LICENSE WITH APPROVED FIREARMS PURCHASE DESIGNATION OR
13 PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE
14 DESIGNATION ISSUED TO THE PURCHASER OR TRANSFEREE BY THE MOTOR
15 VEHICLE ADMINISTRATION IN ACCORDANCE WITH THE PROVISIONS OF THIS
16 SECTION.

17 (B) A PERSON MAY ONLY PURCHASE OR RECEIVE A REGULATED FIREARM IF
18 THE PERSON:

19 (1) POSSESSES A VALID MARYLAND DRIVER'S LICENSE OR
20 PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE
21 DESIGNATION ISSUED TO THE PERSON BY THE MOTOR VEHICLE ADMINISTRATION;
22 AND

23 (2) COMPLIES WITH THE REQUIREMENTS AND IS NOT PROHIBITED
24 UNDER THIS SUBHEADING.

25 (C) THE MOTOR VEHICLE ADMINISTRATION SHALL ISSUE A DRIVER'S
26 LICENSE WITH APPROVED FIREARMS PURCHASE DESIGNATION OR PHOTOGRAPHIC
27 IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE DESIGNATION UPON
28 CERTIFICATION BY THE SECRETARY THAT THE APPLICANT:

29 (1) IS AT LEAST 21 YEARS OLD;

30 (2) IS A RESIDENT OF THE STATE;

31 (3) HAS DEMONSTRATED SATISFACTORY COMPLETION OF A FIREARMS
32 SAFETY TRAINING COURSE APPROVED BY THE SECRETARY; AND

33 (4) BASED ON A COMPUTER AND FINGERPRINT BACKGROUND CHECK:

34 (I) IS NOT PROHIBITED BY FEDERAL OR STATE LAW FROM
35 PURCHASING OR POSSESSING A REGULATED FIREARM; AND

36 (II) HAS NOT EXHIBITED A PROPENSITY FOR VIOLENCE OR
37 INSTABILITY THAT MAY REASONABLY RENDER THE APPLICANT'S POSSESSION OF A
38 REGULATED FIREARM AS A DANGER TO THE APPLICANT OR TO OTHERS.

39 (D) IN ORDER TO OBTAIN A FIREARMS PURCHASE APPROVAL DESIGNATION
40 ON THE APPLICANT'S MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC

17

1 IDENTIFICATION CARD, AN APPLICANT MUST SUBMIT THE FOLLOWING TO THE
2 SECRETARY:

3 (1) A COMPLETED APPLICATION ON A FORM PROVIDED BY THE
4 SECRETARY;

5 (2) A NONREFUNDABLE FEE SET BY THE SECRETARY AT AN AMOUNT
6 SUFFICIENT TO COVER THE COST OF PROCESSING THE APPLICATION, THE
7 PROCEEDS OF WHICH SHALL BE CREDITED TO A SPECIAL FUND FOR THE ACCOUNT
8 OF THE DEPARTMENT OF STATE POLICE;

9 (3) PROOF OF SATISFACTORY COMPLETION OF A FIREARM SAFETY
10 TRAINING COURSE APPROVED BY THE SECRETARY;

11 (4) A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS TO
12 BE TAKEN BY A DESIGNATED LAW ENFORCEMENT AGENCY;

13 (5) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION
14 REQUIRED BY THE SECRETARY; AND

15 (6) A STATEMENT MADE BY THE APPLICANT UNDER THE PENALTY OF
16 PERJURY THAT THE APPLICANT IS NOT PROHIBITED UNDER FEDERAL OR STATE
17 LAW FROM POSSESSING A REGULATED FIREARM.

18 (E) WITHIN 21 DAYS OF RECEIVING A PROPERLY COMPLETED APPLICATION,
19 THE SECRETARY SHALL:

20 (1) ISSUE TO THE MOTOR VEHICLE ADMINISTRATION A CERTIFICATION
21 FOR A FIREARMS PURCHASE APPROVAL DESIGNATION FOR THE APPLICANT; OR

22 (2) ISSUE TO THE APPLICANT A WRITTEN DENIAL OF THE APPLICATION
23 THAT CONTAINS A STATEMENT OF THE APPLICANT'S APPEAL RIGHTS UNDER
24 SUBSECTION (H) OF THIS SECTION.

25 (F) (1) A FIREARMS PURCHASE APPROVAL DESIGNATION ISSUED UNDER
26 THIS SECTION SHALL EXPIRE ON THE DATE THE MARYLAND DRIVER'S LICENSE OR
27 PHOTOGRAPHIC IDENTIFICATION CARD EXPIRES.

28 (2) THE FIREARMS PURCHASE APPROVAL DESIGNATION MAY BE
29 RENEWED EACH TIME THE MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC
30 IDENTIFICATION CARD IS RENEWED ON APPLICATION AND PAYMENT OF A
31 RENEWAL FEE SET BY THE SECRETARY AT AN AMOUNT SUFFICIENT TO COVER THE
32 COSTS OF PROCESSING THE RENEWAL APPLICATION, THE PROCEEDS OF WHICH
33 SHALL BE CREDITED TO A SPECIAL FUND FOR THE ACCOUNT OF THE DEPARTMENT
34 OF STATE POLICE.

35 (3) THE SECRETARY SHALL RENEW THE FIREARMS PURCHASE
36 APPROVAL DESIGNATION IF, THE SECRETARY DETERMINES, BASED ON A
37 COMPUTER BACKGROUND CHECK, THAT, AT THE TIME OF THE APPLICATION, THE
38 APPLICANT MEETS THE REQUIREMENTS OF PARAGRAPHS (1), (2), (4) (I) AND (II) OF
39 SUBSECTION (C) OF THIS SECTION.

18

1 (4) THE SECRETARY MAY NOT REQUIRE, AS A CONDITION OF
2 RENEWAL, THE APPLICANT TO RETAKE THE FIREARMS SAFETY TRAINING COURSE
3 DESCRIBED IN SUBSECTION (C)(3) OF THIS SECTION OR RESUBMIT A SET OF
4 FINGERPRINTS.

5 (G) (1) THE SECRETARY MAY REVOKE THE FIREARMS PURCHASE
6 APPROVAL DESIGNATION ISSUED OR RENEWED UNDER THIS SECTION ON A
7 FINDING THAT THE LICENSEE NO LONGER SATISFIES THE QUALIFICATIONS SET
8 FORTH IN SUBSECTION (C) OF THIS SECTION.

9 (2) A PERSON HOLDING A FIREARMS PURCHASE APPROVAL
10 DESIGNATION THAT HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE
11 MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC IDENTIFICATION CARD TO THE
12 SECRETARY WITHIN 45 DAYS AFTER THE RECEIPT OF THE NOTICE OF THE
13 REVOCATION.

14 (H) (1) A PERSON WHOSE APPLICATION FOR A FIREARMS PURCHASE
15 APPROVAL DESIGNATION OR RENEWAL OF A FIREARMS PURCHASE APPROVAL
16 DESIGNATION IS DISAPPROVED OR WHOSE FIREARMS PURCHASE APPROVAL
17 DESIGNATION HAS BEEN REVOKED MAY SUBMIT A WRITTEN REQUEST TO THE
18 SECRETARY FOR A HEARING WITHIN 30 DAYS FROM THE DATE THE WRITTEN
19 NOTICE OF THE DENIAL OR REVOCATION WAS FORWARDED TO THE AGGRIEVED
20 PERSON.

21 (2) A HEARING SHALL BE GRANTED BY THE SECRETARY WITHIN 15
22 DAYS OF THE REQUEST.

23 (3) THE HEARING AND ANY SUBSEQUENT PROCEEDINGS OF JUDICIAL
24 REVIEW, IF ANY, SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF
25 THE ADMINISTRATIVE PROCEDURE ACT.

26 (4) THE HEARING SHALL BE HELD IN THE COUNTY OF THE LEGAL
27 RESIDENCE OF THE AGGRIEVED PERSON.

28 442B.

29 (A) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A PERSON MAY NOT
30 PURCHASE MORE THAN ONE REGULATED FIREARM IN A 30-DAY PERIOD.

31 (2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO:

32 (I) A LAW ENFORCEMENT AGENCY;

33 (II) AN AGENCY DULY AUTHORIZED TO PERFORM LAW
34 ENFORCEMENT DUTIES;

35 (III) STATE OR LOCAL CORRECTIONAL FACILITIES;

36 (IV) A PRIVATE SECURITY COMPANY LICENSED TO DO BUSINESS
37 WITHIN THE STATE;

38 (V) THE PURCHASE OF ANTIQUE FIREARMS AS DEFINED IN § 441 OF
39 THIS ARTICLE;

19

1 (VI) PURCHASES BY A LICENSED FIREARMS DEALER;

2 (VII) THE EXCHANGE OR REPLACEMENT OF A REGULATED
3 FIREARM BY A SELLER FOR A REGULATED FIREARM PURCHASED FROM THE
4 SELLER BY THE SAME PERSON SEEKING THE EXCHANGE OR REPLACEMENT WITHIN
5 THE 30-DAY PERIOD IMMEDIATELY PRECEDING THE DATE OF EXCHANGE OR
6 REPLACEMENT; OR

7 (VIII) A PERSON WHOSE REGULATED FIREARM IS STOLEN OR
8 IRRETRIEVABLY LOST AND WHO CONSIDERS IT ESSENTIAL THAT THE REGULATED
9 FIREARM BE REPLACED IMMEDIATELY, IF:

10 1. THE PERSON PROVIDES THE LICENSED REGULATED
11 FIREARMS DEALER WITH A COPY OF THE OFFICIAL POLICE REPORT OR AN OFFICIAL
12 SUMMARY OF THE REPORT;

13 2. THE OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY
14 OF THE REPORT CONTAINS THE NAME AND ADDRESS OF THE REGULATED FIREARM
15 OWNER, A DESCRIPTION OF THE REGULATED FIREARM, THE LOCATION OF THE
16 LOSS OR THEFT, THE DATE OF THE LOSS OR THEFT, AND THE DATE WHICH THE LOSS
17 OR THEFT WAS REPORTED TO THE LAW ENFORCEMENT AGENCY; AND

18 3. THE DATE OF THE LOSS OR THEFT AS REFLECTED ON THE
19 OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY OF THE REPORT OCCURRED
20 WITHIN 30 DAYS OF THE PERSON'S ATTEMPT TO REPLACE THE REGULATED
21 FIREARM.

22 (3) FOLLOWING THE SALE OF A REGULATED FIREARM TO A PERSON
23 WHOSE REGULATED FIREARM WAS EITHER STOLEN OR IRRETRIEVABLY LOST, A
24 LICENSED REGULATED FIREARMS DEALER SHALL ATTACH A COPY OF THE
25 OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY OF THE REPORT TO THE
26 APPLICATION TO PURCHASE A REGULATED FIREARM AS REQUIRED IN THIS
27 SUBHEADING AND FORWARD BOTH DOCUMENTS TO THE SECRETARY.

28 (B) (1) PURCHASES IN EXCESS OF ONE REGULATED FIREARM MAY BE
29 MADE UPON COMPLETION OF AN APPLICATION FOR MULTIPLE PURCHASES OF
30 REGULATED FIREARMS CONTAINING THE FOLLOWING INFORMATION:

31 (I) A LIST OF THE REGULATED FIREARMS TO BE PURCHASED AND
32 TRANSFERRED FOR LAWFUL BUSINESS OR PERSONAL USE;

33 (II) WHETHER THE PURCHASE OF THE REGULATED FIREARMS IS
34 FOR A PRIVATE COLLECTION OR IS A COLLECTOR SERIES;

35 (III) WHETHER THE PURCHASE OF THE REGULATED FIREARMS IS A
36 BULK PURCHASE FROM AN ESTATE SALE; OR

37 (IV) OTHER SIMILAR PURPOSES.

38 (2) THE APPLICATION SHALL:

39 (I) STATE THE PURPOSE OF THE PURCHASE IN EXCESS OF ONE
40 GUN IN A 30-DAY PERIOD;

20

1 (II) BE WITNESSED BY A REGULATED FIREARMS DEALER THAT
2 THE APPLICANT DISPLAYED A MARYLAND DRIVER'S LICENSE WITH APPROVED
3 FIREARMS PURCHASE DESIGNATION OR A PHOTOGRAPHIC IDENTIFICATION CARD
4 WITH APPROVED FIREARMS PURCHASE DESIGNATION; AND

5 (III) BE SIGNED UNDER THE PENALTY OF PERJURY BY THE
6 APPLICANT.

7 (C) THE APPLICATION FOR A MULTIPLE PURCHASE OF REGULATED
8 FIREARMS SHALL BE ATTACHED TO A COMPLETED APPLICATION TO PURCHASE A
9 REGULATED FIREARM AND FORWARDED TO THE SECRETARY BY A LICENSED
10 REGULATED FIREARMS DEALER.

11 (D) UPON RECEIPT OF THE APPLICATION TO PURCHASE A REGULATED
12 FIREARM AND THE APPLICATION FOR A MULTIPLE PURCHASE, THE SECRETARY
13 SHALL COMPLETE A BACKGROUND INVESTIGATION AS DEFINED IN § 442 OF THIS
14 SUBTITLE.

15 (E) A DEALER MAY NOT SELL, RENT, OR TRANSFER ANY REGULATED
16 FIREARMS TO AN APPLICANT WHOSE APPLICATION HAS BEEN PLACED ON HOLD OR
17 DISAPPROVED, UNLESS THE HOLD OR DISAPPROVAL HAS BEEN SUBSEQUENTLY
18 WITHDRAWN BY THE SECRETARY OR OVERRULED BY ACTIONS OF THE COURTS.

19 443.

20 (a) No person shall engage in the business of selling, RENTING, OR
21 TRANSFERRING [pistols or revolvers] REGULATED FIREARMS unless he lawfully
22 possesses and conspicuously displays at his place of business, in addition to any other
23 license required by law, a [pistol and revolver] REGULATED FIREARMS dealer's license
24 issued by the Secretary. [of the State Police or the Secretary's duly authorized agent or
25 agents.] Such license shall identify the licensee and the location of the licensee's place of
26 business. One such license shall be required for each place of businesswhere [pistols or
27 revolvers] REGULATED FIREARMS are sold.

28 (b) (1) The license required by subsection (a) above shall expire onthe 30th day
29 of June of each year.

30 (2) The initial fee for the license shall be [\$50] \$150, and the annual
31 renewal shall be [\$25] \$75, payable to the Comptroller of the State of Maryland.

32 (3) The license shall not be transferable nor shall any refund or proration of
33 the annual fee therefor be allowed. Provided, however, that before any licensee changes
34 his or her place of business, the licensee shall so inform the Secretary [of the State Police
35 or the Secretary's duly authorized agent or agents] and surrender his or her license,
36 whereupon the Secretary [or the Secretary's duly authorized agent or agents] shall, if no
37 cause exists for the revocation of the license, issue a new license, without fee, covering the
38 new place of business for the duration of the unexpired term of the surrendered license.

39 (4) As part of the application for a license, the applicant shall submit to the
40 Department of State Police:

21

1 (i) A complete set of the applicant's legible fingerprints taken on
2 standard fingerprint cards; and

3 (ii) Payment for the cost of the fingerprint card record checks.

4 (c) Every annual application for a [pistol and revolver] REGULATED FIREARMS
5 dealer's license shall bear the following legend: "Any false information supplied or
6 statement made in this application is a crime which may be punished by imprisonment for
7 a period of not more than [two] 3 years, or a fine of not more than [\$1,000] \$5,000 or
8 both."

9 (d) The application for a [pistol and revolver] REGULATED FIREARMS dealer's
10 license shall contain the following information:

11 (1) Applicant's name, address, SOCIAL SECURITY NUMBER, place and date
12 of birth, height, weight, race, eye and hair color and signature. In the event the applicant
13 is a corporation, the application shall be completed and executed by a corporate officer
14 who is a resident of [the jurisdiction in which the application is made] THIS STATE.

15 (2) A clear and recognizable photograph of the applicant, except where such
16 photograph has been submitted with a prior year's application.

17 (3) A set of the applicant's fingerprints, except where such fingerprints have
18 been submitted with a prior year's application.

19 (4) A statement by the applicant that he or she:

20 (i) Is a citizen of the United States.

21 (II) IS NOT PROHIBITED BY FEDERAL LAW FROM PURCHASING OR
22 POSSESSING A FIREARM.

23 [(ii)] (III) Is at least 21 years of age [as required by federal law].

24 [(iii)] (IV) Has never been convicted of [a crime of violence, in this
25 State or elsewhere, or of a violation of any of the provisions of §§ 286, 286A, or 286C of
26 this article or any conspiracy to commit any crimes established by those sections or of any
27 of the provisions of this subtitle.]:

28 1. A CRIME OF VIOLENCE;

29 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE;

30 3. ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
31 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; OR

32 4. ANY VIOLATION CLASSIFIED AS A COMMON LAW
33 OFFENSE WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE
34 THAN 2 YEARS.

35 [(iv)] (V) Is not a fugitive from justice.

36 [(v)] (VI) Is not a habitual drunkard.

1 [(vi)] (VII) Is not an addict or a habitual user of [narcotics, barbiturates
2 or amphetamines] ANY CONTROLLED DANGEROUS SUBSTANCES.

3 [(vii)] (VIII) Has never spent more than thirty consecutive days in any
4 medical institution for treatment of a mental disorder or disorders, unless there is
5 attached to the application a physician's certificate, issued within thirty days prior to the
6 date of application, certifying that the applicant is capable of possessing a pistol or
7 revolver without undue danger to himself or herself, or to others.

8 (e) The Secretary [of the State Police or the Secretary's duly authorized agent or
9 agents] shall conduct an investigation in order to determine the truth or falsity of the
10 information supplied and statements made in an application for a [pistol and revolver]
11 REGULATED FIREARMS dealer's license. If it be thereupon determined that any false
12 information or statement has been supplied or made by the applicant, A WRITTEN
13 NOTIFICATION IS RECEIVED FROM A LICENSED PHYSICIAN THAT THE APPLICANT IS
14 SUFFERING FROM A MENTAL DISORDER OR DISORDERS AND IS A DANGER TO
15 HIMSELF OR HERSELF OR TO OTHERS, or that the application has not been properly
16 completed, the Secretary [or the Secretary's duly authorized agent or agents] shall
17 forward written notification to the prospective licensee of [his or their] THE
18 SECRETARY'S disapproval of said application.

19 (f) No person shall engage in the business of selling [pistols or revolvers]
20 REGULATED FIREARMS whose application for a [pistol and revolver] REGULATED
21 FIREARMS dealer's license has been disapproved, unless such disapproval has been
22 subsequently withdrawn by the Secretary [of the State Police or the Secretary's duly
23 authorized agent or agents] or overruled by the action of the courts pursuant to
24 subsection (g) below.

25 (g) Any person aggrieved by the action of the Secretary [of the State Police or the
26 Secretary's duly authorized agent or agents] may appeal the disapproval of his or her
27 application for a [pistol and revolver] REGULATED FIREARMS dealer's license to the
28 circuit court of the county where the applicant's intended place of business is to be
29 conducted. Such appeal must be filed not later than thirty days from the date written
30 notification of disapproval to the prospective licensee was mailed by the Secretary [or the
31 Secretary's duly authorized agent or agents]. The court wherein an appeal is properly
32 and timely filed shall affirm or reverse the determination of disapproval rendered by the
33 Secretary [or the Secretary's duly authorized agent or agents], depending upon whether
34 it finds that any false information or statement was supplied or made by the applicant, or
35 that the application was not properly completed. A further appeal to the Court of Special
36 Appeals may be prosecuted by either the Secretary [of the State Police] or the applicant
37 from the decision reached by the circuit court in accordance with this subsection.

38 (H) THE SECRETARY SHALL SUSPEND AN ISSUED REGULATED FIREARMS
39 DEALER'S LICENSE BY WRITTEN NOTIFICATION FORWARDED TO THE LICENSEE
40 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES IF THE LICENSEE:

41 (1) IS UNDER INDICTMENT FOR A CRIME OF VIOLENCE; OR

42 (2) IS ARRESTED FOR ANY VIOLATION OF THIS SUBHEADING THAT
43 WOULD PROHIBIT THE PURCHASE OR POSSESSION OF A REGULATED FIREARM.

1 [(h)] (I) The Secretary [of the State Police or the Secretary's dulyauthorized
2 agent or agents] shall revoke an issued [pistol and revolver] REGULATEDFIREARM
3 dealer's license, by written notification forwarded to the licensee, under any of the
4 following circumstances:

5 (1) When it is discovered false information or statements have been
6 supplied or made in an application required by this section[.

7 (2) If the licensee is convicted of a crime of violence, in this State or
8 elsewhere, or of any of the provisions of this subtitle, or is a fugitive from justice, or is a
9 habitual drunkard, or is addicted to or a habitual user of narcotics, barbiturates or
10 amphetamines, or has spent more than thirty consecutive days in any medical institution
11 for treatment of a mental disorder or disorders, unless the licensee produces a physician's
12 certificate, issued subsequent to the last period of institutionalization, certifying that the
13 licensee is capable of possessing a pistol or revolver without undue danger to himself or
14 herself, or to others.

15 (3) If the licensee has willfully manufactured, offered to sell, or sold a
16 handgun not on the handgun roster in violation of § 36-I of this article]; OR

17 (2) IF THE LICENSEE:

18 (I) IS CONVICTED OF A CRIME OF VIOLENCE;

19 (II) IS CONVICTED OF ANY VIOLATION CLASSIFIED AS A FELONY IN
20 THIS STATE;

21 (III) IS CONVICTED OF ANY VIOLATION CLASSIFIED AS A
22 MISDEMEANOR IN THIS STATE THAT CARRIES A STATUTORY PENALTY OF MORE
23 THAN 2 YEARS;

24 (IV) IS CONVICTED OF ANY VIOLATION CLASSIFIED AS A COMMON
25 LAW OFFENSE WHERE THE LICENSEE RECEIVED A TERM OF IMPRISONMENT OF
26 MORE THAT 2 YEARS;

27 (V) IS A FUGITIVE FROM JUSTICE;

28 (VI) IS A HABITUAL DRUNKARD;

29 (VII) IS ADDICTED TO OR A HABITUAL USER OF ANY CONTROLLED
30 DANGEROUS SUBSTANCE;

31 (VIII) HAS SPENT MORE THAN 30 CONSECUTIVE DAYS IN ANY
32 MEDICAL INSTITUTION FOR TREATMENT OF A MENTAL DISORDER OR DISORDERS,
33 UNLESS THE LICENSEE PRODUCES A PHYSICIAN'S CERTIFICATE, ISSUED
34 SUBSEQUENT TO THE LAST PERIOD OF INSTITUTIONALIZATION, CERTIFYING THAT
35 THE LICENSEE IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT
36 UNDUE DANGER TO HIMSELF OR HERSELF, OR TO OTHERS;

37 (IX) HAS KNOWINGLY OR WILLFULLY MANUFACTURED, OFFERED
38 TO SELL, OR SOLD A HANDGUN NOT ON THE HANDGUN ROSTER IN VIOLATION OF §
39 36-I OF THIS ARTICLE; OR

1 (X) HAS KNOWINGLY OR WILLFULLY PARTICIPATED IN A STRAW
2 PURCHASE OF A REGULATED FIREARM.

3 [(i)] (J) No person shall engage in the business of selling [pistols or revolvers]
4 REGULATED FIREARMS whose [pistol and revolver] REGULATED FIREARMS dealer's
5 license has been SUSPENDED OR revoked, unless such SUSPENSION OR revocation has
6 been subsequently withdrawn by the Secretary [of the State Police or the Secretary's duly
7 authorized agent or agents] or overruled by the action of the courts pursuant to
8 subsection [(j)] (K) below.

9 [(j)] (K) Any prospective dealer aggrieved by the action of the [Department of
10 State Police] SECRETARY may request a hearing within [thirty (30)] 30 days from the
11 date when written notice was forwarded to such aggrieved person by writing to the
12 Secretary, [of State Police,] who shall grant the hearing within [fifteen] 15 days of said
13 request. Said hearing and subsequent proceedings of judicial review, if any, thereupon
14 following shall be conducted in accordance with the provisions of the Administrative
15 Procedure Act. A [suspension or] revocation shall not take effect while an appeal is
16 pending.

17 [(k)] Any person who engaged in the business of selling pistols or revolvers in
18 violation of this section or who knowingly gives any false information or makes any
19 material misstatement in an application required by this section shall upon conviction
20 thereof be subject to the penalties hereinafter provided in § 448 of this subtitle. Each day
21 on which pistols or revolvers are unlawfully sold or offered for sale shall be considered a
22 separate offense.

23 (l) The Secretary of the State Police shall adopt regulations to implement the
24 inclusion of an assault weapon, as defined under § 481E of this article, within the license,
25 sales, and transfer requirements under this section.]

26 443A.

27 [(a) (1) In this section the following words have the meanings indicated.

28 (2) "Gun show" means an organized gathering open to the public at which
29 any firearm is displayed.

30 (3) "Regulated firearm" means any firearm whose sale or transfer is subject
31 to the provisions of § 442 of this article.

32 (4) "Secretary" means the Secretary of the State Police or the Secretary's
33 designee.]

34 [(b)] (A) (1) (i) A person who displays a regulated firearm for sale or transfer
35 from a table or fixed display at a gun show shall first obtain a temporary transfer permit
36 from the Secretary.

37 (ii) The cost of an initial temporary transfer permit each calendar year
38 is \$10.

39 (iii) An additional temporary transfer permit during the same calendar
40 year shall be issued without charge.

25

1 (iv) A person may not receive more than five temporary transfer
2 permits during a single calendar year.

3 (v) A temporary transfer permit shall be clearly labeled "temporary"
4 and shall include the statement: "This is not a license to engage in the business of selling
5 firearms."

6 (vi) The application for a temporary transfer permit shall contain any
7 information that is necessary for the Secretary to conduct a computer background
8 investigation.

9 (vii) Every application for a temporary transfer permit shall bear the
10 following statement: "Any false information supplied or statement made in this
11 application is a crime which may be punished by imprisonment for a period of not more
12 than 3 years or a fine of not more than \$5,000 or both."

13 (2) (i) The Secretary shall conduct an investigation to determine the truth
14 or falsity of the information supplied, and the statements made in the application for a
15 temporary transfer permit.

16 (ii) If there is no reason to disapprove the application for a temporary
17 transfer permit, the Secretary shall issue the permit within 7 days of the date of
18 application.

19 (3) The Secretary shall forward written notification of the disapproval to the
20 applicant, if it is determined that:

21 (i) The application is improperly completed;

22 (ii) Any false information has been supplied; or

23 (iii) A false statement has been made.

24 (4) The temporary transfer permit shall be placed in public view as part of
25 any display.

26 (5) Any person who holds a valid [pistol and revolver] REGULATED
27 FIREARMS dealer's license issued under § 443 of this article is exempt from the
28 requirements of this subsection.

29 [(c)] (B) Any sale or transfer of a regulated firearm from a table or a fixed display
30 at a gun show shall be governed by the provisions of [§ 442] §§ 442, 442A, AND 442B of
31 this article.

32 [(d)] (C) Any person who, in any calendar year, displays a regulated firearm for
33 sale, trade, or transfer at more than five gun shows shall comply with § 443 of this article.

34 445.

35 (a) All restrictions imposed by the laws, ordinances or regulations of all
36 subordinate jurisdictions within the State of Maryland on possession or transfers by
37 private parties of [pistols and revolvers] REGULATED FIREARMS are superseded by this
38 section and the State of Maryland hereby preempts the right of such jurisdictions to
39 regulate the possession and transfer of [pistols and revolvers] REGULATED FIREARMS.

1 (b) A dealer or person may not sell, RENT, or transfer a [pistol or revolver]
2 REGULATED FIREARM to [a] ANY person whom he knows or has reasonable cause to
3 believe [has been convicted of a crime of violence, or of a violation of any of the
4 provisions of § 286, § 286A, or § 286C of this article, or any conspiracy to commit any
5 crimes established by those sections or of any of the provisions of this subtitle, or is a
6 fugitive from justice, or is a habitual drunkard, or is addicted to or a habitual user of
7 narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly
8 under the influence of alcohol or drugs, or to any person under 21 years of age as
9 required by federal law.];

10 (1) HAS BEEN CONVICTED OF:

11 (I) A CRIME OF VIOLENCE;

12 (II) ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE OR
13 ANY CONSPIRACY TO COMMIT ANY CRIMES ESTABLISHED BY THOSE SECTIONS;

14 (III) ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
15 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; OR

16 (IV) ANY VIOLATION CLASSIFIED AS A COMMON LAW OFFENSE
17 WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2
18 YEARS.

19 (2) IS:

20 (I) A FUGITIVE FROM JUSTICE;

21 (II) A HABITUAL DRUNKARD;

22 (III) ADDICTED TO OR A HABITUAL USER OF ANY CONTROLLED
23 DANGEROUS SUBSTANCE OR SUBSTANCES;

24 (IV) OF UNSOUND MIND;

25 (V) VISIBLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS;

26 (VI) UNDER 21 YEARS OF AGE;

27 (VII) A PARTICIPANT IN A "STRAW PURCHASE" AS DEFINED IN § 441
28 OF THIS ARTICLE; OR

29 (VIII) PROHIBITED BY FEDERAL LAW FROM PURCHASING OR
30 POSSESSING A FIREARM.

31 (3) HAS BEEN A RESPONDENT AGAINST WHOM A NON EX PARTE CIVIL
32 PROTECTION ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW
33 ARTICLE.

34 (C) A PERSON MAY NOT SELL, RENT, OR TRANSFER:

35 (1) AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM TO A
36 PERSON WHO IS UNDER 21 YEARS OF AGE; OR

27

1 (2) A FIREARM, AMMUNITION FOR A FIREARM, PEPPER MACE, OR
2 OTHER DEADLY WEAPON TO A MINOR.

3 [(c)] (D) A person may not possess a [pistol or revolver] REGULATED FIREARM
4 if the person:

5 (1) Has been convicted of:

6 (i) A crime of violence; [or]

7 (ii) [Any provisions of this subtitle; or] ANY VIOLATION CLASSIFIED
8 AS A FELONY IN THIS STATE;

9 (III) ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
10 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; OR

11 (IV) ANY VIOLATION CLASSIFIED AS A COMMON LAW OFFENSE
12 WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE THAT 2
13 YEARS.

14 (2) Is:

15 (i) A fugitive from justice;

16 (ii) A habitual drunkard;

17 (iii) A habitual abuser of [narcotics, barbiturates, or amphetamines]
18 OF ANY CONTROLLED DANGEROUS SUBSTANCES; [or]

19 (iv) Suffering from a mental disorder as defined in § 10-101 (h) (2) of
20 the Health - General Article and has a history of violent behavior against another person
21 or self, or has been confined for more than 30 consecutive days to a facility as defined in
22 § 10-101 of the Health - General Article, unless the person possesses a physician's
23 certification that the person is capable of possessing a [pistol or revolver] REGULATED
24 FIREARM without undue danger to the person or to others[.];

25 (V) PROHIBITED BY FEDERAL LAW FROM POSSESSING A FIREARM;
26 OR

27 (VI) HAS BEEN A RESPONDENT AGAINST WHOM A CIVIL
28 PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW
29 ARTICLE.

30 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
31 PERSON WHO IS UNDER 21 YEARS OF AGE MAY NOT POSSESS A REGULATED
32 FIREARM OR AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM.

33 (2) UNLESS A PERSON IS OTHERWISE PROHIBITED FROM POSSESSING A
34 REGULATED FIREARM, THIS SUBSECTION DOES NOT APPLY TO:

35 (I) THE TEMPORARY TRANSFER OR POSSESSION OF A
36 REGULATED FIREARM OR REGULATED FIREARM AMMUNITION IF THE PERSON IS
37 UNDER 21 YEARS OF AGE AND IS:

28

1 1. UNDER THE SUPERVISION OF A PERSON AT LEAST 21
2 YEARS OF AGE WHO IS NOT PROHIBITED BY STATE OR FEDERAL LAW FROM
3 POSSESSING FIREARMS; AND

4 2. ACTING WITH THE PERMISSION OF THE PARENT OR
5 LEGAL GUARDIAN OF THE TRANSFEREE OR PERSON IN POSSESSION;

6 (II) THE TRANSFER BY INHERITANCE OF TITLE, AND NOT OF
7 POSSESSION, OF A REGULATED FIREARM;

8 (III) A PERSON WHO IS A MEMBER OF THE ARMED FORCES OF THE
9 UNITED STATES OR OF THE NATIONAL GUARD; OR

10 (IV) THE POSSESSION OF A FIREARM OR AMMUNITION FOR THE
11 PURPOSE OF SELF-DEFENSE OR THE DEFENSE OF OTHERS AGAINST A TRESPASSER
12 INTO THE RESIDENCE OF THE PERSON IN POSSESSION OR INTO A RESIDENCE IN
13 WHICH THE PERSON IN POSSESSION IS AN INVITED GUEST.

14 445A.

15 (A) ANY PERSON WHO PURCHASES A REGULATED FIREARM FROM AN
16 OUT-OF-STATE LICENSED IMPORTER, LICENSED MANUFACTURER, OR LICENSED
17 DEALER WHERE THE REGULATED FIREARM WILL BE OWNED BY THAT PERSON
18 SHALL:

19 (1) HAVE THE LICENSED IMPORTER, LICENSED MANUFACTURER, OR
20 LICENSED DEALER SHIP THE REGULATED FIREARM TO A REGULATED FIREARMS
21 DEALER IN THIS STATE FOR PROCESSING; AND

22 (2) COMPLY WITH §§ 442 AND 442B OF THIS SUBTITLE.

23 (B) THE SECRETARY MAY WAIVE THE 7-DAY WAITING PERIOD FOR LAW
24 ENFORCEMENT PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY
25 AGENCY OR DEPARTMENT OF THE UNITED STATES, MEMBERS OF THE ARMED
26 FORCES OF THE UNITED STATES OR OF THE NATIONAL GUARD, OR LAW
27 ENFORCEMENT PERSONNEL OF THIS STATE OR ANY LOCAL AGENCY IN THIS STATE
28 WHEN THE PERSON IS PURCHASING THE REGULATED FIREARM FOR USE WITHIN
29 THE SCOPE OF HIS OR HER OFFICIAL DUTIES.

30 445B.

31 ANY REGULATED FIREARM SOLD, RENTED, TRANSFERRED, POSSESSED,
32 RECEIVED, OR PURCHASED IN VIOLATION OF THIS SUBTITLE MAY BE SEIZED BY A
33 LAW ENFORCEMENT AGENCY AS CONTRABAND AND DISPOSED OF ACCORDING TO
34 THE REGULATIONS OF THE SEIZING LAW ENFORCEMENT AGENCY.

35 446.

36 It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of
37 any stolen [pistol or revolver] REGULATED FIREARM, knowing or having reasonable
38 cause to believe same to have been stolen.

29

1 [448.

2 Any person violating any of the provisions of this subtitle unless otherwise stated
3 herein is guilty of a misdemeanor and shall upon conviction be fined not more than \$5,000
4 or imprisoned for not more than three years, or both.]

5 448.

6 THE SECRETARY SHALL PROMULGATE REGULATIONS TO CARRY OUT THE
7 PROVISIONS OF THIS SUBHEADING.

8 449.

9 (A) ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF § 445(C) OF THIS
10 SUBHEADING IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE
11 FINED NOT MORE THAN \$1,000 OR IMPRISONED FOR NOT MORE THAN 1 YEAR OR
12 BOTH.

13 (B) ANY PERSON WHO KNOWINGLY GIVES ANY FALSE INFORMATION OR
14 MAKES ANY MATERIAL MISSTATEMENT IN AN APPLICATION TO PURCHASE A
15 REGULATED FIREARM OR AN APPLICATION FOR A REGULATED FIREARMS
16 DEALERS LICENSE SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION
17 BE FINED NOT MORE THAN \$5,000 OR IMPRISONED FOR NOT MORE THAN 3 YEARS,
18 OR BOTH.

19 (C) ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF § 442B OF THIS
20 SUBTITLE IS GUILTY OF A MISDEMEANOR AND SHALL UPON CONVICTION BE FINED
21 NOT MORE THAN \$5,000 OR IMPRISONED FOR NOT MORE THAN 3 YEARS OR BOTH.

22 (D) ANY PERSON OR DEALER WHO IS A KNOWING PARTICIPANT IN A STRAW
23 PURCHASE OF A REGULATED FIREARM TO A PROHIBITED PERSON OR TO A MINOR,
24 OR TRANSPORTS REGULATED FIREARMS INTO THIS STATE FOR THE PURPOSE OF
25 ILLEGAL SALE OR TRAFFICKING OF A REGULATED FIREARM SHALL BE GUILTY OF A
26 FELONY AND UPON CONVICTION BE FINED NOT MORE THAN \$25,000 OR IMPRISONED
27 FOR NOT MORE THAN 10 YEARS, OR BOTH. EACH VIOLATION SHALL BE CONSIDERED
28 A SEPARATE OFFENSE.

29 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY DEALER OR
30 PERSON WHO KNOWINGLY PARTICIPATES IN THE ILLEGAL SALE, RENTAL,
31 TRANSFER, PURCHASE, POSSESSION, OR RECEIPT OF A REGULATED FIREARM IN
32 VIOLATION OF THIS SUBHEADING SHALL BE GUILTY OF A FELONY AND UPON
33 CONVICTION SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED FOR NOT
34 MORE THAN 5 YEARS, OR BOTH. EACH VIOLATION SHALL BE CONSIDERED A
35 SEPARATE OFFENSE.

36 **Article - Family Law**

37 4-506.

38 (a) A respondent under § 4-505 of this subtitle shall have an opportunity to be
39 heard on the question of whether the court should issue a protective order.

30

1 (b) (1) The temporary ex parte order shall state the date and time of the
2 protective order hearing.

3 (2) Unless continued for good cause, the protective order hearing shall be
4 held no later than 7 days after the temporary ex parte order is served on the respondent.

5 (c) (1) If the respondent appears for the protective order hearing, has been
6 served with the temporary ex parte order, or the court otherwise has personal jurisdiction
7 over the respondent, the court:

8 (i) may proceed with the protective order hearing; and

9 (ii) if the court finds by clear and convincing evidence that the alleged
10 abuse has occurred, or if the respondent consents to the entry of a protective order, the
11 court may grant a protective order to protect any person eligible for relief from abuse.

12 (2) A protective order may be issued only to a person who has filed a
13 petition under § 4-504 of this subtitle.

14 (3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in
15 cases where both parties file a petition under § 4-504 of this subtitle, the court may issue
16 mutual protective orders if the court finds by clear and convincing evidence that mutual
17 abuse has occurred.

18 (ii) The court may issue mutual protective orders only if the court
19 makes a detailed finding of fact that:

20 1. both parties acted primarily as aggressors; and

21 2. neither party acted primarily in self-defense.

22 (d) The protective order may include any or all of the following relief:

23 (1) order the respondent to refrain from abusing or threatening to abuse any
24 person eligible for relief;

25 (2) order the respondent to refrain from contacting, attempting to contact,
26 or harassing any person eligible for relief;

27 (3) order the respondent to refrain from entering the residence of any
28 person eligible for relief;

29 (4) where the person eligible for relief and the respondent are residing
30 together at the time of the abuse, order the respondent to vacate the home immediately
31 and award temporary use and possession of the home to the person eligible for relief or,
32 in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award
33 temporary use and possession of the home to an adult living in the home, provided that
34 the court may not grant an order to vacate and award temporary use and possession of the
35 home to a nonspouse person eligible for relief unless the name of the person eligible for
36 relief appears on the lease or deed to the home or the person eligible for relief has shared
37 the home with the respondent for a period of at least 90 days within 1 year before the
38 filing of the petition;

31

1 (5) order the respondent to remain away from the place of employment,
2 school, or temporary residence of a person eligible for relief or home of other family
3 members;

4 (6) award temporary custody of a minor child of the respondent and a
5 person eligible for relief;

6 (7) establish temporary visitation with a minor child of the respondent and a
7 person eligible for relief on a basis which gives primary consideration to the welfare of the
8 minor child and the safety of any other person eligible for relief. If the court finds that the
9 safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted
10 visitation, the court shall condition or restrict visitation as to time, place, duration, or
11 supervision, or deny visitation entirely, as needed to guard the safety of any person
12 eligible for relief;

13 (8) award emergency family maintenance as necessary to support any person
14 eligible for relief to whom the respondent has a duty of support under this article,
15 including an immediate and continuing withholding order on all earnings of the
16 respondent in the amount of the ordered emergency family maintenance in accordance
17 with the procedures specified in Title 10, Subtitle 1, Part III of this article;

18 (9) award temporary use and possession of a vehicle jointly owned by the
19 respondent and a person eligible for relief to the person eligible for relief if necessary for
20 the employment of the person eligible for relief or for the care of a minor child of the
21 respondent or a person eligible for relief;

22 (10) direct the respondent or any or all of the persons eligible for relief to
23 participate in professionally supervised counseling or a domestic violence program; [or]

24 (11) ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT
25 AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION FOR THE
26 DURATION OF THE PROTECTIVE ORDER; OR

27 [(11)] (12) order the respondent to pay filing fees and costs of a proceeding
28 under this subtitle.

29 (e) In determining whether to order the respondent to vacate the home under §
30 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the court shall consider
31 the following factors:

32 (1) the housing needs of any minor child living in the home;

33 (2) the duration of the relationship between the respondent and any person
34 eligible for relief;

35 (3) title to the home;

36 (4) pendency and type of criminal charges against the respondent;

37 (5) the history and severity of abuse in the relationship between the
38 respondent and any person eligible for relief;

32

1 (6) the existence of alternative housing for the respondent and any person
2 eligible for relief; and

3 (7) the financial resources of the respondent and the person eligible for
4 relief.

5 (f) (1) A copy of the protective order shall be served on the petitioner, any
6 affected person eligible for relief, the appropriate law enforcement agency, and any other
7 person the court determines is appropriate, in open court or by first class mail.

8 (2) (i) A copy of the protective order shall be served on the respondent in
9 open court or by a law enforcement officer, constable, or sheriff.

10 (ii) A copy of the protective order shall also be sent to the last known
11 address of the respondent by first class mail.

12 (3) If the respondent is served by a law enforcement officer, constable, or
13 sheriff, a return of service shall be filed with the court.

14 (g) All relief granted in a protective order shall be effective for the period stated
15 in the order, not to exceed 200 days.

16 4-511.

17 (A) WHEN RESPONDING TO THE SCENE OF AN ALLEGED ACT OF DOMESTIC
18 VIOLENCE, AS DESCRIBED IN THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL
19 REMOVE A FIREARM FROM THE PREMISES IF:

20 (1) THE LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO
21 BELIEVE THAT AN ACT OF DOMESTIC VIOLENCE HAS OCCURRED; AND

22 (2) THE LAW ENFORCEMENT OFFICER HAS OBSERVED THE FIREARM
23 ON THE PREMISES DURING THE RESPONSE.

24 (B) IF A FIREARM IS REMOVED FROM THE PREMISES UNDER SUBSECTION (A)
25 OF THIS SECTION, THE LAW ENFORCEMENT OFFICER SHALL:

26 (1) PROVIDE TO THE OWNER OF THE FIREARM INFORMATION ON THE
27 PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

28 (2) PROVIDE FOR THE SAFE STORAGE OF THE FIREARM DURING THE
29 PENDENCY OF ANY PROCEEDING RELATED TO THE ALLEGED ACT OF DOMESTIC
30 VIOLENCE.

31 (C) AT THE CONCLUSION OF A PROCEEDING ON THE ALLEGED ACT OF
32 DOMESTIC VIOLENCE, THE OWNER OF THE FIREARM MAY RETAKE POSSESSION OF
33 THE FIREARM UNLESS ORDERED TO SURRENDER THE FIREARM UNDER § 4-506 OF
34 THIS SUBTITLE.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1996.