

---

**By: The President (Administration) and Senators Pica, Blount, Hoffman, Forehand, Hughes, Kelley, Currie, Dorman, Frosh, Hollinger, Kasemeyer, Lawlah, Madden, McFadden, Pinsky, Ruben, Teitelbaum, Trotter, Van Hollen, and Young**

Introduced and read first time: January 22, 1996

Rule 32(d) suspended

Assigned to: Judicial Proceedings

---

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  
30 machine to forward a certain application to the Department of State Police;  
31 revising, reorganizing, and clarifying certain laws pertaining to the sale or transfer  
32 of certain regulated firearms by certain individuals; providing that certain sales,  
33 transfers, and possessions of firearms prohibited under federal law are prohibited

2

1 under State law; altering a certain notice provision on a certain application; altering  
2 certain fees; defining certain terms; altering certain definitions; providing certain  
3 penalties; making stylistic and technical changes; and generally relating to gun  
4 violence.

5 BY repealing

6 Article 27 - Crimes and Punishments  
7 Section 406, 441, and 448  
8 Annotated Code of Maryland  
9 (1992 Replacement Volume and 1995 Supplement)

10 BY adding to

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

16 BY repealing and reenacting, with amendments,

17 Article 27 - Crimes and Punishments  
18 Section 36B(d), 120, 281A, 442, 443, 443A, 445, and 446  
19 Annotated Code of Maryland  
20 (1992 Replacement Volume and 1995 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article - Family Law  
23 Section 4-506  
24 Annotated Code of Maryland  
25 (1991 Replacement Volume and 1995 Supplement)

26 BY adding to

27 Article - Family Law  
28 Section 4-511  
29 Annotated Code of Maryland  
30 (1991 Replacement Volume and 1995 Supplement)

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

33 **Article 27 - Crimes and Punishments**

34 36A-1.

35 (A) A PERSON MAY NOT REMOVE A LAW ENFORCEMENT OFFICER'S FIREARM  
36 FROM THE OFFICER'S PERSON, OR OTHERWISE DISARM A LAW ENFORCEMENT  
37 OFFICER, WITH THE INTENT TO THREATEN OR USE THE FIREARM AGAINST THE  
38 OFFICER OR ANOTHER PERSON.

3

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

4 36B.

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

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

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

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

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

22 120.

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

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

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

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

34 281A.

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

36 (2) "Drug trafficking crime" means:

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

4

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

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

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

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

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

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

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

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

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

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

30 (2) A machine gun; or

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

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

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

38 (3) If the State enters a nolle prosequi against the owner or possessor of  
39 property seized under this section and does not charge the person within 90 days after the

5

1 nolle prosequi is entered, the seized property shall be promptly returned to the owner or  
2 possessor if not otherwise prohibited by law.

3 [406.

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

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

7 (2) Pepper mace.

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

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

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

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

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

21 [Pistols] REGULATED FIREARMS

22 [441.

23 (a) As used in this subtitle --

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

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

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

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

6

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

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

6 (1) Any pistol or revolver (including any pistol or revolver with a matchlock,  
7 flintlock, percussion cap, or similar type of ignition system) manufactured in or before  
8 1898; and

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

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

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

16 441.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

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

21 (C) "ANTIQUE FIREARM" MEANS:

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

25 (2) ANY REPLICA OF ANY FIREARM DESCRIBED IN PARAGRAPH (1) OF  
26 THIS SUBSECTION IF THE REPLICA:

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

29 (II) USES RIMFIRE OR CONVENTIONAL CENTERFIRE FIXED  
30 AMMUNITION WHICH IS NO LONGER MANUFACTURED IN THE UNITED STATES AND  
31 WHICH IS NOT READILY AVAILABLE IN THE ORDINARY CHANNELS OF COMMERCIAL  
32 TRADE.

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

36 (1) AMERICAN ARMS SPECTRE DA SEMIAUTOMATIC CARBINE;

37 (2) AK-47 IN ALL FORMS;

38 (3) ALGIMEC AGM-1 TYPE SEMI-AUTO;

- 7
- 1 (4) AR 100 TYPE SEMI-AUTO;
- 2 (5) AR 180 TYPE SEMI-AUTO;
- 3 (6) ARGENTINE L.S.R. SEMI-AUTO;
- 4 (7) AUSTRALIAN AUTOMATIC ARMS SAR TYPE SEMI-AUTO;
- 5 (8) AUTO-ORDNANCE THOMPSON M1 AND 1927 SEMI-AUTOMATICS;
- 6 (9) BARRETT LIGHT .50 CAL. SEMI-AUTO;
- 7 (10) BERETTA AR70 TYPE SEMI-AUTO;
- 8 (11) BUSHMASTER SEMI-AUTO RIFLE;
- 9 (12) CALICO MODELS M-100 AND M-900;
- 10 (13) CIS SR 88 TYPE SEMI-AUTO;
- 11 (14) CLARIDGE HI TEC C-9 CARBINES;
- 12 (15) COLT AR-15, CAR-15, AND ALL IMITATIONS EXCEPT COLT AR-15
- 13 SPORTER H-BAR RIFLE;
- 14 (16) DAEWOO MAX 1 AND MAX 2, AKA AR 100, 110C, K-1, AND K-2;
- 15 (17) DRAGUNOV CHINESE MADE SEMI-AUTO;
- 16 (18) FAMAS SEMI-AUTO (.223 CALIBER);
- 17 (19) FEATHER AT-9 SEMI-AUTO;
- 18 (20) FN LAR AND FN FAL ASSAULT RIFLE;
- 19 (21) FNC SEMI-AUTO TYPE CARBINE;
- 20 (22) F.I.E./FRANCHI LAW 12 AND SPAS 12 ASSAULT SHOTGUN;
- 21 (23) STEYR-AUG-SA SEMI-AUTO;
- 22 (24) GALIL MODELS AR AND ARM SEMI-AUTO;
- 23 (25) HECKLER AND KOCH HK-91 A3, HK-93 A2, HK-94 A2 AND A3;
- 24 (26) HOLMES MODEL 88 SHOTGUN;
- 25 (27) AVTOMAT KALASHNIKOV SEMIAUTOMATIC RIFLE IN ANY FORMAT;
- 26 (28) MANCHESTER ARMS "COMMANDO" MK-45, MK-9;
- 27 (29) MANDELL TAC-1 SEMI-AUTO CARBINE;
- 28 (30) MOSSBERG MODEL 500 BULLPUP ASSAULT SHOTGUN;
- 29 (31) STERLING MARK 6;

(32) P.A.W.S. CARBINE;



- 8
- 1 (33) RUGER MINI-14 FOLDING STOCK MODEL (.223 CALIBER);
- 2 (34) SIG 550/551 ASSAULT RIFLE (.223 CALIBER);
- 3 (35) SKS WITH DETACHABLE MAGAZINE;
- 4 (36) AP-74 COMMANDO TYPE SEMI-AUTO;
- 5 (37) SPRINGFIELD ARMORY BM-59, SAR-48, G3, SAR-3, M-21 SNIPER RIFLE,
- 6 M1A, EXCLUDING THE M1 GARAND;
- 7 (38) STREET SWEEPER ASSAULT TYPE SHOTGUN;
- 8 (39) STRIKER 12 ASSAULT SHOTGUN IN ALL FORMATS;
- 9 (40) UNIQUE F11 SEMI-AUTO TYPE;
- 10 (41) DAEWOO USAS 12 SEMI-AUTO SHOTGUN;
- 11 (42) UZI 9MM CARBINE OR RIFLE;
- 12 (43) VALMET M-76 AND M-78 SEMI-AUTO;
- 13 (44) WEAVER ARMS "NIGHTHAWK" SEMI-AUTO CARBINE;
- 14 (45) WILKINSON ARMS 9MM SEMI-AUTO "TERRY"; OR
- 15 (46) ANY OTHER FIREARM DEFINED AS AN ASSAULT WEAPON BY
- 16 FEDERAL LAW.
- 17 (E) "CRIME OF VIOLENCE" MEANS:
- 18 (1) ABDUCTION;
- 19 (2) ARSON IN THE FIRST DEGREE;
- 20 (3) BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE;
- 21 (4) CARJACKING AND ARMED CARJACKING;
- 22 (5) ESCAPE;
- 23 (6) KIDNAPPING;
- 24 (7) VOLUNTARY MANSLAUGHTER;
- 25 (8) MAIMING;
- 26 (9) MAYHEM;
- 27 (10) MURDER IN THE FIRST OR SECOND DEGREE;
- 28 (11) RAPE IN THE FIRST OR SECOND DEGREE;
- 29 (12) ROBBERY;
- 30 (13) ROBBERY WITH A DANGEROUS OR DEADLY WEAPON;

9

1 (14) SEXUAL OFFENSE IN THE FIRST, SECOND, OR THIRD DEGREE;

2 (15) AN ATTEMPT TO COMMIT ANY OF THE AFORESAID OFFENSES; OR

3 (16) ASSAULT WITH INTENT TO COMMIT ANY OF THE AFORESAID  
4 OFFENSES OR ANY OFFENSE PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1  
5 YEAR.

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

7 (1) SELLING, RENTING, OR TRANSFERRING FIREARMS AT WHOLESALE  
8 OR RETAIL; OR

9 (2) REPAIRING FIREARMS.

10 (G) "DESIGNATED LAW ENFORCEMENT AGENCY" MEANS ANY LAW  
11 ENFORCEMENT AGENCY APPROVED AND DESIGNATED BY THE SECRETARY TO  
12 PROCESS APPLICATIONS TO PURCHASE REGULATED FIREARMS FOR SECONDARY  
13 SALES.

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

15 (1) IS LICENSED AS A MARYLAND REGULATED FIREARMS DEALER;

16 (2) IS LICENSED AS A FEDERAL FIREARMS DEALER;

17 (3) DEVOTES TIME, ATTENTION, AND LABOR TO DEALING IN FIREARMS  
18 AS A REGULAR COURSE OF TRADE OR BUSINESS WITH THE PRINCIPAL OBJECTIVE  
19 OF EARNING A PROFIT THROUGH THE REPEATED PURCHASE AND RESALE OF  
20 FIREARMS; OR

21 (4) REPAIRS FIREARMS AS A REGULAR COURSE OF TRADE OR  
22 BUSINESS.

23 (I) "FIREARM" MEANS:

24 (1) ANY WEAPON (INCLUDING A STARTER GUN) WHICH WILL OR IS  
25 DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE  
26 ACTION OF AN EXPLOSIVE; OR

27 (2) THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

28 (J) "FUGITIVE FROM JUSTICE" MEANS ANY PERSON WHO HAS FLED FROM A  
29 SHERIFF OR OTHER PEACE OFFICER WITHIN THIS STATE, OR WHO HAS FLED FROM  
30 ANY STATE, THE DISTRICT OF COLUMBIA, OR TERRITORY OR POSSESSION OF THE  
31 UNITED STATES, TO AVOID PROSECUTION FOR A CRIME OR TO AVOID GIVING  
32 TESTIMONY IN ANY CRIMINAL PROCEEDING.

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

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

10

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

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

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

7 (P) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, OR  
8 CORPORATION.

9 (Q) "REGULATED FIREARM" MEANS:

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

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

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

14 (R) "REGULATED FIREARMS DEALER" MEANS ANY PERSON WHO POSSESSES  
15 A VALID MARYLAND REGULATED FIREARMS DEALERS LICENSE ISSUED BY THE  
16 SECRETARY.

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

20 (T) "SECRETARY" MEANS THE SECRETARY OF THE STATE POLICE OR THE  
21 SECRETARY'S DESIGNEE.

22 (U) "STRAW PURCHASE" MEANS ANY SALE OF A REGULATED FIREARM  
23 WHERE THE REAL PURCHASER USES ANOTHER PERSON (THE STRAW PURCHASER)  
24 TO COMPLETE THE APPLICATION TO PURCHASE A REGULATED FIREARM, TAKE  
25 INITIAL POSSESSION OF THAT FIREARM, AND SUBSEQUENTLY TRANSFER THAT  
26 FIREARM TO THE REAL PURCHASER.

27 441A.

28 THE PROHIBITIONS OF THIS SUBHEADING DO NOT APPLY TO:

29 (1) THE TRANSFER OR POSSESSION OF A REGULATED FIREARM OR  
30 DETACHABLE MAGAZINE BY A LICENSED MANUFACTURER, DEALER, OR IMPORTER  
31 FOR THE PURPOSES OF TESTING OR EXPERIMENTATION AUTHORIZED BY THE  
32 SECRETARY;

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

34 (3) LAW ENFORCEMENT PERSONNEL OF THE UNITED STATES  
35 GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE UNITED STATES,  
36 MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL  
37 GUARD, OR LAW ENFORCEMENT PERSONNEL OF THIS STATE OR ANY LOCAL

11

1 AGENCY IN THIS STATE WHILE SUCH PERSONS ARE ACTING WITHIN THE SCOPE OF  
2 THEIR OFFICIAL DUTIES;

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

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

9 (6) ORGANIZATIONS THAT ARE REQUIRED OR AUTHORIZED BY  
10 FEDERAL LAW OR REGULATIONS GOVERNING THEIR SPECIFIC BUSINESS OR  
11 ACTIVITY TO MAINTAIN FIREARMS; OR

12 (7) THE RECEIPT OF A REGULATED FIREARM BY INHERITANCE  
13 PROVIDED THE HEIR:

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

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

18 442.

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

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

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

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

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

33 (II) BOTH THE PURCHASER AND RECIPIENT OF THE GIFT COMPLY  
34 WITH THE REQUIREMENTS UNDER THIS SUBHEADING PERTAINING TO THE  
35 POSSESSION, SALE, RENTAL, RECEIPT, TRANSFER, OR PURCHASE OF A REGULATED  
36 FIREARM, UNLESS THE GIFT IS IN THE FORM OF A GIFT CERTIFICATE, IN WHICH  
37 CASE ONLY THE RECIPIENT SHALL COMPLY WITH THE REQUIREMENTS; AND

38 (III) THAT UPON RECEIPT OF THE REGULATED FIREARM, THE  
39 RECIPIENT REGISTERS THE REGULATED FIREARM IN THE RECIPIENT'S NAME WITH  
40 THE SECRETARY.

12

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

6           (E) (1) A PERSON MAY NOT SELL, RENT, TRANSFER, OR PURCHASE ANY  
7 REGULATED FIREARM UNTIL AFTER 7 DAYS SHALL HAVE ELAPSED FROM THE TIME  
8 AN APPLICATION TO PURCHASE OR TRANSFER SHALL HAVE BEEN EXECUTED BY  
9 THE PROSPECTIVE PURCHASER OR TRANSFEREE, IN TRIPLICATE, AND THE  
10 ORIGINAL COPY IS FORWARDED BY A REGULATED FIREARMS DEALER TO THE  
11 SECRETARY.

12           (2) AS AN ALTERNATIVE TO COMPLETING A SECONDARY SALE OF A  
13 REGULATED FIREARM THROUGH A REGULATED FIREARMS DEALER, THE  
14 PROSPECTIVE SELLER OR TRANSFEROR AND THE PROSPECTIVE PURCHASER OR  
15 TRANSFEREE MAY COMPLETE THE TRANSACTION THROUGH A DESIGNATED LAW  
16 ENFORCEMENT AGENCY.

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

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

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

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

37           (3) IF THE REGULATED FIREARMS DEALER OR DESIGNATED LAW  
38 ENFORCEMENT AGENCY UTILIZES A FACSIMILE MACHINE TO FORWARD THE  
39 APPLICATION TO THE SECRETARY, THE DEALER OR DESIGNATED LAW  
40 ENFORCEMENT AGENCY SHALL:

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

13

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

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

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

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

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

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

21 1. A CRIME OF VIOLENCE;

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

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

25 4. ANY VIOLATION CLASSIFIED AS A COMMON LAW  
26 OFFENSE WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE  
27 THAN 2 YEARS.

28 (ii) Is not a fugitive from justice.

29 (iii) Is not a habitual drunkard.

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

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

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

38 (vii) Has [or has not submitted a prior application and, if so, when and  
39 where] NEVER BEEN A RESPONDENT AGAINST WHOM A NON EX PARTE CIVIL

14

1 PROTECTION ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW  
2 ARTICLE.

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

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

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

32 [(h)] (K) No REGULATED FIREARMS dealer OR PERSON shall sell, RENT, or  
33 transfer a [pistol or revolver] REGULATED FIREARM to an applicant whose application  
34 has been PLACED ON HOLD OR [timely] disapproved, unless such disapproval has been  
35 subsequently withdrawn by the Secretary [of the State Police or the Secretary's duly  
36 authorized agent or agents] or overruled by the action of the courts pursuant to  
37 subsection [(i)] (J) of this section.

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

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

15

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

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

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

19 (2) A REGULATED FIREARMS DEALER SHALL WITHIN 7 DAYS, RETURN  
20 TO THE SECRETARY ANY APPLICATION FOR WHICH THE SALE OR TRANSFER OF A  
21 REGULATED FIREARM WAS NOT COMPLETED WITHIN 90 DAYS OF THE DATE THE  
22 APPLICATION WAS STAMPED BY THE SECRETARY AS NOT BEING DISAPPROVED. ALL  
23 SUCH APPLICATIONS RETURNED TO THE SECRETARY SHALL BE VOIDED AS AN  
24 INCOMPLETE SALE.

25 [(k)] (O) Nothing in this section shall be construed to affect sales and/or transfers  
26 for bona fide resale in the ordinary course of business of a person duly licensed under §  
27 443 of this subtitle, or sales, transfer, and/or the use of [pistols or revolvers]  
28 REGULATED FIREARMS by any person authorized or required to sell, transfer, and/or  
29 use [such pistols or revolvers] REGULATED FIREARMS as part of his or her duties as a  
30 member of any official police force or other law enforcement agency, the armed forces of  
31 the United States, including all official reserve organizations, or the Maryland National  
32 Guard.

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

40 442A.

41 (A) A REGULATED FIREARMS DEALER OR PERSON MAY ONLY SELL OR  
42 TRANSFER A REGULATED FIREARM TO ANOTHER PERSON IF THE PURCHASER OR  
43 TRANSFEREE PRESENTS TO THE SELLER OR TRANSFEROR A VALID MARYLAND  
44 DRIVER'S LICENSE WITH APPROVED FIREARMS PURCHASE DESIGNATION OR



16

1 PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE  
2 DESIGNATION ISSUED TO THE PURCHASER OR TRANSFEREE BY THE MOTOR  
3 VEHICLE ADMINISTRATION IN ACCORDANCE WITH THE PROVISIONS OF THIS  
4 SECTION.

5 (B) A PERSON MAY ONLY PURCHASE OR RECEIVE A REGULATED FIREARM IF  
6 THE PERSON:

7 (1) POSSESSES A VALID MARYLAND DRIVER'S LICENSE OR  
8 PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE  
9 DESIGNATION ISSUED TO THE PERSON BY THE MOTOR VEHICLE ADMINISTRATION;  
10 AND

11 (2) COMPLIES WITH THE REQUIREMENTS AND IS NOT PROHIBITED  
12 UNDER THIS SUBHEADING.

13 (C) THE MOTOR VEHICLE ADMINISTRATION SHALL ISSUE A DRIVER'S  
14 LICENSE WITH APPROVED FIREARMS PURCHASE DESIGNATION OR PHOTOGRAPHIC  
15 IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE DESIGNATION UPON  
16 CERTIFICATION BY THE SECRETARY THAT THE APPLICANT:

17 (1) IS AT LEAST 21 YEARS OLD;

18 (2) IS A RESIDENT OF THE STATE;

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

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

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

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

27 (D) IN ORDER TO OBTAIN A FIREARMS PURCHASE APPROVAL DESIGNATION  
28 ON THE APPLICANT'S MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC  
29 IDENTIFICATION CARD, AN APPLICANT MUST SUBMIT THE FOLLOWING TO THE  
30 SECRETARY:

31 (1) A COMPLETED APPLICATION ON A FORM PROVIDED BY THE  
32 SECRETARY;

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

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

17

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

3 (5) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION  
4 REQUIRED BY THE SECRETARY; AND

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

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

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

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

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

18 (2) THE FIREARMS PURCHASE APPROVAL DESIGNATION MAY BE  
19 RENEWED EACH TIME THE MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC  
20 IDENTIFICATION CARD IS RENEWED ON APPLICATION AND PAYMENT OF A  
21 RENEWAL FEE SET BY THE SECRETARY AT AN AMOUNT SUFFICIENT TO COVER THE  
22 COSTS OF PROCESSING THE RENEWAL APPLICATION, THE PROCEEDS OF WHICH  
23 SHALL BE CREDITED TO A SPECIAL FUND FOR THE ACCOUNT OF THE DEPARTMENT  
24 OF STATE POLICE.

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

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

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

38 (2) A PERSON HOLDING A FIREARMS PURCHASE APPROVAL  
39 DESIGNATION THAT HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE  
40 MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC IDENTIFICATION CARD TO THE

18

1 SECRETARY WITHIN 45 DAYS AFTER THE RECEIPT OF THE NOTICE OF THE  
2 REVOCATION.

3 (H) (1) A PERSON WHOSE APPLICATION FOR A FIREARMS PURCHASE  
4 APPROVAL DESIGNATION OR RENEWAL OF A FIREARMS PURCHASE APPROVAL  
5 DESIGNATION IS DISAPPROVED OR WHOSE FIREARMS PURCHASE APPROVAL  
6 DESIGNATION HAS BEEN REVOKED MAY SUBMIT A WRITTEN REQUEST TO THE  
7 SECRETARY FOR A HEARING WITHIN 30 DAYS FROM THE DATE THE WRITTEN  
8 NOTICE OF THE DENIAL OR REVOCATION WAS FORWARDED TO THE AGGRIEVED  
9 PERSON.

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

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

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

17 442B.

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

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

21 (I) A LAW ENFORCEMENT AGENCY;

22 (II) AN AGENCY DULY AUTHORIZED TO PERFORM LAW  
23 ENFORCEMENT DUTIES;

24 (III) STATE OR LOCAL CORRECTIONAL FACILITIES;

25 (IV) A PRIVATE SECURITY COMPANY LICENSED TO DO BUSINESS  
26 WITHIN THE STATE;

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

29 (VI) PURCHASES BY A LICENSED FIREARMS DEALER;

30 (VII) THE EXCHANGE OR REPLACEMENT OF A REGULATED  
31 FIREARM BY A SELLER FOR A REGULATED FIREARM PURCHASED FROM THE  
32 SELLER BY THE SAME PERSON SEEKING THE EXCHANGE OR REPLACEMENT WITHIN  
33 THE 30-DAY PERIOD IMMEDIATELY PRECEDING THE DATE OF EXCHANGE OR  
34 REPLACEMENT; OR

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

19

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

4 2. THE OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY  
5 OF THE REPORT CONTAINS THE NAME AND ADDRESS OF THE REGULATED FIREARM  
6 OWNER, A DESCRIPTION OF THE REGULATED FIREARM, THE LOCATION OF THE  
7 LOSS OR THEFT, THE DATE OF THE LOSS OR THEFT, AND THE DATE WHICH THE LOSS  
8 OR THEFT WAS REPORTED TO THE LAW ENFORCEMENT AGENCY; AND

9 3. THE DATE OF THE LOSS OR THEFT AS REFLECTED ON THE  
10 OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY OF THE REPORT OCCURRED  
11 WITHIN 30 DAYS OF THE PERSON'S ATTEMPT TO REPLACE THE REGULATED  
12 FIREARM.

13 (3) FOLLOWING THE SALE OF A REGULATED FIREARM TO A PERSON  
14 WHOSE REGULATED FIREARM WAS EITHER STOLEN OR IRRETRIEVABLY LOST, A  
15 LICENSED REGULATED FIREARMS DEALER SHALL ATTACH A COPY OF THE  
16 OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY OF THE REPORT TO THE  
17 APPLICATION TO PURCHASE A REGULATED FIREARM AS REQUIRED IN THIS  
18 SUBHEADING AND FORWARD BOTH DOCUMENTS TO THE SECRETARY.

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

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

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

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

28 (IV) OTHER SIMILAR PURPOSES.

29 (2) THE APPLICATION SHALL:

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

32 (II) BE WITNESSED BY A REGULATED FIREARMS DEALER THAT  
33 THE APPLICANT DISPLAYED A MARYLAND DRIVER'S LICENSE WITH APPROVED  
34 FIREARMS PURCHASE DESIGNATION OR A PHOTOGRAPHIC IDENTIFICATION CARD  
35 WITH APPROVED FIREARMS PURCHASE DESIGNATION; AND

36 (III) BE SIGNED UNDER THE PENALTY OF PERJURY BY THE  
37 APPLICANT.

38 (C) THE APPLICATION FOR A MULTIPLE PURCHASE OF REGULATED  
39 FIREARMS SHALL BE ATTACHED TO A COMPLETED APPLICATION TO PURCHASE A

20

1 REGULATED FIREARM AND FORWARDED TO THE SECRETARY BY A LICENSED  
2 REGULATED FIREARMS DEALER.

3 (D) UPON RECEIPT OF THE APPLICATION TO PURCHASE A REGULATED  
4 FIREARM AND THE APPLICATION FOR A MULTIPLE PURCHASE, THE SECRETARY  
5 SHALL COMPLETE A BACKGROUND INVESTIGATION AS DEFINED IN § 442 OF THIS  
6 SUBTITLE.

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

11 443.

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

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

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

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

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

33 (i) A complete set of the applicant's legible fingerprintstaken on  
34 standard fingerprint cards; and

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

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

21

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

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

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

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

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

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

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

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

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

20 1. A CRIME OF VIOLENCE;

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

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

24 4. ANY VIOLATION CLASSIFIED AS A COMMON LAW  
25 OFFENSE WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE  
26 THAN 2 YEARS.

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

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

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

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

36 (e) The Secretary [of the State Police or the Secretary's duly authorized agent or  
37 agents] shall conduct an investigation in order to determine the truth or falsity of the

22

1 information supplied and statements made in an application for a [pistol and revolver]  
 2 REGULATED FIREARMS dealer's license. If it be thereupon determined that any false  
 3 information or statement has been supplied or made by the applicant, A WRITTEN  
 4 NOTIFICATION IS RECEIVED FROM A LICENSED PHYSICIAN THAT THE APPLICANT IS  
 5 SUFFERING FROM A MENTAL DISORDER OR DISORDERS AND IS A DANGER TO  
 6 HIMSELF OR HERSELF OR TO OTHERS, or that the application has not been properly  
 7 completed, the Secretary [or the Secretary's duly authorized agent or agents] shall  
 8 forward written notification to the prospective licensee of [his or their] THE  
 9 SECRETARY'S disapproval of said application.

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

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

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

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

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

35 [(h)] (I) The Secretary [of the State Police or the Secretary's duly authorized  
 36 agent or agents] shall revoke an issued [pistol and revolver] REGULATED FIREARM  
 37 dealer's license, by written notification forwarded to the licensee, under any of the  
 38 following circumstances:

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

41 (2) If the licensee is convicted of a crime of violence, in this State or  
 42 elsewhere, or of any of the provisions of this subtitle, or is a fugitive from justice, or is a  
 43 habitual drunkard, or is addicted to or a habitual user of narcotics, barbiturates or

23

1 amphetamines, or has spent more than thirty consecutive days in any medical institution  
2 for treatment of a mental disorder or disorders, unless the licensee produces a physician's  
3 certificate, issued subsequent to the last period of institutionalization, certifying that the  
4 licensee is capable of possessing a pistol or revolver without undue danger to himself or  
5 herself, or to others.

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

8 (2) IF THE LICENSEE:

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

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

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

15 (IV) IS CONVICTED OF ANY VIOLATION CLASSIFIED AS A COMMON  
16 LAW OFFENSE WHERE THE LICENSEE RECEIVED A TERM OF IMPRISONMENT OF  
17 MORE THAN 2 YEARS;

18 (V) IS A FUGITIVE FROM JUSTICE;

19 (VI) IS A HABITUAL DRUNKARD;

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

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

28 (IX) HAS KNOWINGLY OR WILLFULLY MANUFACTURED, OFFERED  
29 TO SELL, OR SOLD A HANDGUN NOT ON THE HANDGUN ROSTER IN VIOLATION OF §  
30 36-I OF THIS ARTICLE; OR

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

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



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

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

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

18 443A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) The application is improperly completed;

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

15 (iii) A false statement has been made.

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

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

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

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

26 445.

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

32 (b) A dealer or person may not sell, RENT, or transfer a [pistol or revolver]  
33 REGULATED FIREARM to [a] ANY person whom he knows or has reasonable cause to  
34 believe [has been convicted of a crime of violence, or of a violation of any of the  
35 provisions of § 286, § 286A, or § 286C of this article, or any conspiracy to commit any  
36 crimes established by those sections or of any of the provisions of this subtitle, or is a  
37 fugitive from justice, or is a habitual drunkard, or is addicted to or a habitual user of  
38 narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly  
39 under the influence of alcohol or drugs, or to any person under 21 years of age as  
40 required by federal law.]:

26

1 (1) HAS BEEN CONVICTED OF:

2 (I) A CRIME OF VIOLENCE;

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

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

7 (IV) ANY VIOLATION CLASSIFIED AS A COMMON LAW OFFENSE  
8 WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2  
9 YEARS.

10 (2) IS:

11 (I) A FUGITIVE FROM JUSTICE;

12 (II) A HABITUAL DRUNKARD;

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

15 (IV) OF UNSOUND MIND;

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

17 (VI) UNDER 21 YEARS OF AGE;

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

20 (VIII) PROHIBITED BY FEDERAL LAW FROM PURCHASING OR  
21 POSSESSING A FIREARM.

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

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

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

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

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

32 (1) Has been convicted of:

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

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

27

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

3 (IV) ANY VIOLATION CLASSIFIED AS A COMMON LAW OFFENSE  
4 WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE THAT 2  
5 YEARS.

6 (2) Is:

7 (i) A fugitive from justice;

8 (ii) A habitual drunkard;

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

11 (iv) Suffering from a mental disorder as defined in § 10-101 (h) (2) of  
12 the Health - General Article and has a history of violent behavior against another person  
13 or self, or has been confined for more than 30 consecutive days to a facility as defined in  
14 § 10-101 of the Health - General Article, unless the person possesses a physician's  
15 certification that the person is capable of possessing a [pistol or revolver] REGULATED  
16 FIREARM without undue danger to the person or to others[.];

17 (V) PROHIBITED BY FEDERAL LAW FROM POSSESSING A FIREARM;  
18 OR

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

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

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

27 (I) THE TEMPORARY TRANSFER OR POSSESSION OF A  
28 REGULATED FIREARM OR REGULATED FIREARM AMMUNITION IF THE PERSON IS  
29 UNDER 21 YEARS OF AGE AND IS:

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

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

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

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

28

1 (IV) THE POSSESSION OF A FIREARM OR AMMUNITION FOR THE  
2 PURPOSE OF SELF-DEFENSE OR THE DEFENSE OF OTHERS AGAINST A TRESPASSER  
3 INTO THE RESIDENCE OF THE PERSON IN POSSESSION OR INTO A RESIDENCE IN  
4 WHICH THE PERSON IN POSSESSION IS AN INVITED GUEST.

5 445A.

6 (A) ANY PERSON WHO PURCHASES A REGULATED FIREARM FROM AN  
7 OUT-OF-STATE LICENSED IMPORTER, LICENSED MANUFACTURER, OR LICENSED  
8 DEALER WHERE THE REGULATED FIREARM WILL BE OWNED BY THAT PERSON  
9 SHALL:

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

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

14 (B) THE SECRETARY MAY WAIVE THE 7-DAY WAITING PERIOD FOR LAW  
15 ENFORCEMENT PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY  
16 AGENCY OR DEPARTMENT OF THE UNITED STATES, MEMBERS OF THE ARMED  
17 FORCES OF THE UNITED STATES OR OF THE NATIONAL GUARD, OR LAW  
18 ENFORCEMENT PERSONNEL OF THIS STATE OR ANY LOCAL AGENCY IN THIS STATE  
19 WHEN THE PERSON IS PURCHASING THE REGULATED FIREARM FOR USE WITHIN  
20 THE SCOPE OF HIS OR HER OFFICIAL DUTIES.

21 445B.

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

26 446.

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

30 [448.

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

34 448.

35 THE SECRETARY SHALL PROMULGATE REGULATIONS TO CARRY OUT THE  
36 PROVISIONS OF THIS SUBHEADING.

37 449.

38 (A) ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF § 445(C) OF THIS  
39 SUBHEADING IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE

29

1 FINED NOT MORE THAN \$1,000 OR IMPRISONED FOR NOT MORE THAN 1 YEAR OR  
2 BOTH.

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

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

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

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

26 **Article - Family Law**

27 4-506.

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

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

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

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

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

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

**Article - Family Law**

30

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

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

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

9 1. both parties acted primarily as aggressors; and

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

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

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

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

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

18 (4) where the person eligible for relief and the respondent are residing  
19 together at the time of the abuse, order the respondent to vacate the home immediately  
20 and award temporary use and possession of the home to the person eligible for relief or,  
21 in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award  
22 temporary use and possession of the home to an adult living in the home, provided that  
23 the court may not grant an order to vacate and award temporary use and possession of the  
24 home to a nonspouse person eligible for relief unless the name of the person eligible for  
25 relief appears on the lease or deed to the home or the person eligible for relief has shared  
26 the home with the respondent for a period of at least 90 days within 1 year before the  
27 filing of the petition;

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

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

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

31

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

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

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

12 (11) ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT  
13 AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION FOR THE  
14 DURATION OF THE PROTECTIVE ORDER; OR

15 [(11)] (12) order the respondent to pay filing fees and costs of a proceeding  
16 under this subtitle.

17 (e) In determining whether to order the respondent to vacate the home under §  
18 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the court shall consider  
19 the following factors:

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

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

23 (3) title to the home;

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

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

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

29 (7) the financial resources of the respondent and the person eligible for  
30 relief.

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

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

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



32

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

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

5 4-511.

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

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

11 (2) THE LAW ENFORCEMENT OFFICER HAS OBSERVED THE FIREARM  
12 ON THE PREMISES DURING THE RESPONSE.

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

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

17 (2) PROVIDE FOR THE SAFE STORAGE OF THE FIREARM DURING THE  
18 PENDENCY OF ANY PROCEEDING RELATED TO THE ALLEGED ACT OF DOMESTIC  
19 VIOLENCE.

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

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