

SENATE BILL 211

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2000 Regular Session
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By: **The President (Administration) and Senators Currie, Kasemeyer,
Lawlah, McFadden, Ruben, Hollinger, Teitelbaum, and Van Hollen**

Introduced and read first time: January 25, 2000

Assigned to: Judicial Proceedings

Bill returned to Senate from Judicial Proceedings Committee pursuant to Rule 43,
March 23, 2000

Bill placed on second reading in absence of a committee report

Senate action: Adopted with floor amendments

Read second time: March 24, 2000

CHAPTER 2

1 AN ACT concerning

2 **Responsible Gun Safety Act of 2000**

3 FOR the purpose of clarifying the disposition of certain forfeited property; prohibiting
4 certain persons who have been adjudicated delinquent of certain offenses
5 involving firearms from obtaining a permit to carry a handgun, purchasing,
6 renting, or transferring a handgun, and possessing a handgun until a certain
7 age; prohibiting a dealer from selling or transferring certain firearms to certain
8 persons who have been adjudicated delinquent of certain offenses involving
9 firearms until a certain age; requiring certain firearms safety training courses;
10 ~~altering the composition of the Handgun Roster Board;~~ defining certain terms;
11 providing for a certain procedure for collecting certain ~~firearms identification~~
12 ~~handgun shell casing~~ information; requiring certain individuals to provide
13 certain ~~firearms identification handgun shell casing~~ information to the State for
14 certain testing; prohibiting the sale ~~of certain firearms under certain~~
15 ~~circumstances by a certain date; establishing a certain commission; providing~~
16 ~~for the duties and reporting requirements for the commission; providing for the~~
17 ~~sale of certain firearms sold after a certain date, offer for sale, rental, or transfer~~
18 ~~of certain handguns under certain circumstances unless the handgun is sold,~~
19 ~~offered for sale, rented, or transferred with an external safety lock; prohibiting~~
20 ~~the sale, offer for sale, rental, or transfer of certain handguns under certain~~
21 ~~circumstances unless the handgun has a certain integrated mechanical safety~~
22 ~~device; requiring the Handgun Roster Board to review the status of personalized~~
23 ~~handgun technology and annually report certain findings to the Governor and~~
24 ~~the General Assembly beginning on or before a certain date; providing for~~
25 certain exceptions; providing for certain penalties; ~~providing for the~~

1 ~~development of certain safety training standards by a certain date requiring the~~
 2 ~~Maryland Police Training Commission to adopt certain regulations for a~~
 3 ~~certified firearms safety training course by a certain date; requiring the~~
 4 ~~Maryland Police Training Commission to conduct a certified firearms safety~~
 5 ~~training course under certain conditions; authorizing certain individuals or~~
 6 ~~organizations to conduct a certified firearms safety training course under~~
 7 ~~certain conditions; establishing the Firearms Violence Reduction Cease Fire~~
 8 Council within the Department of State Police; providing for the membership,
 9 powers, and duties of the Council; establishing the administration of a certain
 10 grant program; and generally relating to firearms.

11 BY repealing and reenacting, with amendments,
 12 Article 27 - Crimes and Punishments
 13 Section 36C, 36E(a), 36J(a), 442(h), 445(b) and (d), 445B, and 449(e)
 14 Annotated Code of Maryland
 15 (1996 Replacement Volume and 1999 Supplement)

16 BY adding to
 17 Article 27 - Crimes and Punishments
 18 Section 36C-1, 442(h-1), 442B, ~~and~~ 442C, and 445(b-1)
 19 Annotated Code of Maryland
 20 (1996 Replacement Volume and 1999 Supplement)

21 BY ~~repealing and reenacting, with amendments,~~ adding to
 22 Article 41 - Governor - Executive and Administrative Departments
 23 Section 4-201~~(d)(15) and (16)~~ (d-1)
 24 Annotated Code of Maryland
 25 (1997 Replacement Volume and 1999 Supplement)

26 BY adding to
 27 Article 88B - Department of State Police
 28 Section 81
 29 Annotated Code of Maryland
 30 (1998 Replacement Volume and 1999 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 36C.

35 (a) The following items of property shall be subject to seizure and forfeiture,
 36 and, upon forfeiture, no property right shall exist in them:

1 (1) Any handgun being worn, carried, or transported in violation of §
2 36B, OR SOLD, RENTED, TRANSFERRED, OR POSSESSED IN VIOLATION OF § 442, § 442A,
3 OR § 445 of this article; and

4 (2) All ammunition or other parts of or appurtenances to any such
5 handgun worn, carried, or transported by such person or found in the immediate
6 vicinity of such handgun.

7 (b) (1) Any property subject to seizure under subsection (a) hereof may be
8 seized by any duly authorized law enforcement officer, as an incident to an arrest or
9 search and seizure.

10 (2) Any such officer seizing such property under this section shall either
11 place the property under seal or remove the same to a location designated either by
12 the Department of State Police or by the law enforcement agency having jurisdiction
13 in the locality.

14 (c) (1) Upon the seizure of a handgun pursuant to this section, the seizing
15 authority shall attempt to ascertain and locate its owner by whatever inquiry and
16 investigation is considered appropriate. If, as a result of an inquiry or investigation,
17 the name and address of the reputed owner of the handgun is ascertained and the
18 owner is a nonresident of Maryland, the seizing authority shall notify the appropriate
19 law enforcement agency of the jurisdiction of which the owner is a resident and
20 forward the handgun to that agency for disposition if the handgun is not needed for
21 investigation or evidence or disposed of under paragraph (4) of this subsection. If the
22 owner is a resident of the State the seizing authority may return the handgun to the
23 owner. If the seizing authority does not return the handgun, it shall promptly notify
24 the owner that he may apply within 30 days to the seizing authority for a review to
25 determine whether the owner knew or should have known that the handgun was
26 worn, carried, transported or used in violation of § 36B, and whether the owner is
27 qualified to possess it. Qualification for possession is the same as for sale or transfer
28 under § 442 of this article. Knowingly giving false information or making a material
29 misstatement in the application for review or an investigation pursuant thereto is
30 subject to the penalties set forth in § 449 of this article.

31 (2) Upon timely receipt of an application, the seizing authority shall hold
32 an informal review not subject to the Administrative Procedure Act on the matter of
33 whether the owner either knew or should have known of the use or intended use of
34 the handgun in violation of § 36B. If, after that review, the determination of the
35 seizing authority is favorable to the owner, the handgun shall be released to the
36 owner if he is qualified to possess it, unless the handgun is needed as evidence in a
37 criminal case or investigation, in which event the handgun shall be promptly
38 returned upon the final conclusion of the case or investigation.

39 (3) If the seizing authority determines after review that the handgun
40 should be forfeited to the State, the owner shall be so notified at his last known
41 address and within 30 days thereafter he may petition the appropriate District Court
42 for release of the handgun to him. The State's Attorney shall represent the State in

1 the action. The court shall hear the matter and grant whatever relief is proper and in
2 accordance with this subsection.

3 (4) In a proceeding in a criminal cause involving a seized handgun a
4 court may order forfeiture or release of the seized handgun in accordance with the
5 criteria for release set forth in this subsection. Persons who have made written claim
6 of ownership of a handgun to the seizing authority or the State's Attorney shall be
7 notified of the proceeding and of the claimant's right to present his claim at the
8 proceeding. A claimant who has completed the review procedure provided for by this
9 subsection does not have the right to a second review under this paragraph.

10 (5) If no timely application for a review under paragraph (2) of this
11 subsection or a petition to the court under paragraph (3) of this subsection is effected,
12 or order for release under paragraph (4) of this subsection is issued, the handgun
13 shall be forfeited to the State without further proceedings and destroyed by the
14 seizing authority or disposed of in accordance with subsection (d) of this section.

15 (6) If a reputed owner of a seized handgun is not ascertained and located
16 pursuant to inquiry or investigation conducted under paragraph (1) of this subsection,
17 the handgun is forfeited to the State without further proceedings.

18 (d) (1) Whenever property is forfeited under this section, the law
19 enforcement agency seeking forfeiture of the property may ONLY:

20 (i) Order the property retained for the official use of the law
21 enforcement agency; [or]

22 (ii) [Make such other disposition of the property as the law
23 enforcement agency deems appropriate] DESTROY THE FORFEITED PROPERTY; OR

24 (III) SELL, EXCHANGE, OR TRANSFER THE FORFEITED PROPERTY TO
25 ANOTHER LAW ENFORCEMENT AGENCY FOR OFFICIAL USE BY THAT AGENCY.

26 (2) Within 30 days of the disposition of the forfeited property, the law
27 enforcement agency shall notify the Secretary of the State Police of:

28 (i) The description of the property forfeited;

29 (ii) The type of disposition made; and

30 (iii) The identity of the person to whom the property was
31 transferred for disposal, retention, or [resale; and

32 (iv) If the person was a licensed firearms dealer, the firearms
33 dealer's license number and address] OFFICIAL USE.

34 36C-1.

35 A LAW ENFORCEMENT AGENCY SEEKING TO DISPOSE OF AN AGENCY OWNED
36 HANDGUN SHALL:

1 (1) DESTROY THE HANDGUN;

2 (2) SELL, EXCHANGE, OR TRANSFER THE HANDGUN TO ANOTHER LAW
3 ENFORCEMENT AGENCY FOR OFFICIAL USE BY THAT AGENCY;

4 (3) SELL THE HANDGUN TO A RETIRED STATE POLICE OFFICER IN
5 ACCORDANCE WITH ARTICLE 88B, § 24 OF THE CODE; OR

6 (4) SELL THE HANDGUN TO THE LAW ENFORCEMENT OFFICER TO
7 WHOM THE HANDGUN WAS ASSIGNED.

8 36E.

9 (a) A permit to carry a handgun shall be issued within a reasonable time by
10 the Secretary of the State Police, upon application under oath therefor, to any person
11 whom the Secretary finds:

12 (1) Is eighteen years of age or older; and

13 (2) Has not been convicted of a felony or of a misdemeanor for which a
14 sentence of imprisonment for more than one year has been imposed or, if convicted of
15 such a crime, has been pardoned or has been granted relief pursuant to Title 18, § 925
16 (c) of the United States Code; and

17 (3) [Has not been] IF THE PERSON IS LESS THAN 30 YEARS OF AGE AND
18 WHO HAS NOT BEEN:

19 (I) [committed] COMMITTED to any detention, training, or
20 correctional institution for juveniles for longer than one year after an adjudication of
21 delinquency by a juvenile court; [provided, however, that a person shall not be
22 disqualified by virtue of this paragraph (3) if, at the time of the application, more
23 than ten years has elapsed since his release from such institution; and] OR

24 (II) ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR:

25 1. A CRIME OF VIOLENCE;

26 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE;
27 OR

28 3. ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
29 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; AND

30 (4) Has not been convicted of any offense involving the possession, use,
31 or distribution of controlled dangerous substances; and is not presently an addict, an
32 habitual user of any controlled dangerous substance not under legitimate medical
33 direction, or an alcoholic; and

34 (5) Has, based on the results of investigation, not exhibited a propensity
35 for violence or instability which may reasonably render his possession of a handgun a
36 danger to himself or other law-abiding persons; and

1 (6) Has, based on the results of investigation, good and substantial
2 reason to wear, carry, or transport a handgun, provided however, that the phrase
3 "good and substantial reason" as used herein shall be deemed to include a finding
4 that such permit is necessary as a reasonable precaution against apprehended
5 danger.

6 36J.

7 (a) (1) There is a Handgun Roster Board in the Department of State Police.

8 (2) The Board shall consist of [9] 11 members, appointed by the
9 Governor with the advice and consent of the Senate, each of whom shall serve for a
10 term of 4 years.

11 (3) The members of the Board shall be:

12 (i) The Secretary;

13 (ii) A representative of the Association of Chiefs of Police;

14 (iii) A representative of the Maryland State's Attorneys' Association;

15 (iv) A handgun dealer, a gunsmith, or a representative of a handgun
16 manufacturer;

17 (v) A representative of the National Rifle Association or its
18 affiliated State association, who is a resident of the State;

19 (vi) A representative of the Marylanders Against Handgun Abuse;
20 and

21 (vii) [3] 5 citizen members, 2 OF WHOM SHALL BE MECHANICAL OR
22 ELECTRICAL ENGINEERS.

23 (4) The Secretary shall serve as Chairman of the Board.

24 (5) The Board shall meet at the request of the Chairman of the Board or
25 by request of a majority of the members.

26 442.

27 (h) The application to purchase, rent, or transfer shall contain the following
28 information:

29 (1) Applicant's name, address, driver's or photographic identification
30 soundex number, Social Security number, occupation, place and date of birth, height,
31 weight, race, eye and hair color and signature and regulated firearm information for
32 each firearm to be purchased, rented, or transferred. In the event the applicant is a
33 corporation, the application shall be completed and executed by a corporate officer
34 who is a resident of this State.

1 (2) A statement by the applicant under the penalty of perjury that he or
2 she:

3 (i) Has never been convicted of:

4 1. A crime of violence;

5 2. Any violation classified as a felony in this State;

6 3. Any violation classified as a misdemeanor in this State
7 that carries a statutory penalty of more than 2 years; or

8 4. Any violation classified as a common law offense where
9 the person received a term of imprisonment of more than 2 years.

10 (ii) Is not a fugitive from justice.

11 (iii) Is not a habitual drunkard.

12 (iv) Is not an addict or habitual user of any controlled dangerous
13 substances.

14 (v) Has never spent more than [thirty] 30 consecutive days in any
15 medical institution for treatment of a mental disorder or disorders, unless there is
16 attached to the application a physician's certificate, issued within [thirty] 30 days
17 prior to the date of application, certifying that the applicant is capable of possessing a
18 regulated firearm without undue danger to himself or herself, or to others.

19 (vi) Is at least 21 years of age.

20 (vii) Is not a respondent against whom a current non ex parte civil
21 protective order has been entered under § 4-506 of the Family Law Article.

22 (VIII) IS LESS THAN 30 YEARS OF AGE AT THE TIME OF APPLICATION
23 AND HAS NOT BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR:

24 1. A CRIME OF VIOLENCE;

25 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE;
26 OR

27 3. ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
28 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; AND

29 (IX) SUBJECT TO SUBSECTION (H-1) OF THIS SECTION, FOR AN
30 APPLICATION MADE ON OR AFTER JANUARY 1, 2002 HAS COMPLETED A CERTIFIED
31 FIREARMS SAFETY TRAINING COURSE CONDUCTED FREE OF CHARGE BY THE
32 MARYLAND POLICE TRAINING COMMISSION OR THAT MEETS STANDARDS
33 ESTABLISHED BY THE MARYLAND POLICE TRAINING COMMISSION AS PROVIDED IN
34 ARTICLE 41, § ~~4-201(D)~~ § 4-201(D-1) OF THE CODE.

1 (3) The date and hour the application was delivered in completed form to
2 the prospective seller or transferor by the prospective purchaser, lessee, or transferee.

3 (H-1) A PERSON IS NOT REQUIRED TO COMPLETE A CERTIFIED FIREARMS
4 TRAINING COURSE UNDER SUBSECTION (H)(2)(IX) OF THIS SECTION AND § 445(B)(4) OF
5 THIS SUBHEADING IF THE PERSON:

6 (1) HAS COMPLETED A CERTIFIED FIREARMS TRAINING COURSE
7 REQUIRED UNDER SUBSECTION (H)(2)(IX) OF THIS SECTION AND § 445(B)(4) OF THIS
8 SUBHEADING;

9 (2) IS A LAW ENFORCEMENT OFFICER OF THE STATE OR ANY LOCAL
10 LAW ENFORCEMENT AGENCY IN THE STATE;

11 (3) IS A MEMBER ~~OR~~, RETIRED MEMBER, OR HONORABLY DISCHARGED
12 MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD;

13 (4) IS A MEMBER OF AN ORGANIZATION THAT IS REQUIRED BY FEDERAL
14 LAW OR REGULATIONS GOVERNING THEIR SPECIFIC BUSINESS OR ACTIVITY TO
15 MAINTAIN HANDGUNS AND APPLICABLE AMMUNITION; OR

16 (5) HAS BEEN ISSUED A PERMIT TO CARRY A HANDGUN UNDER § 36E OF
17 THIS ARTICLE.

18 445.

19 (b) A dealer or person may not sell, rent, or transfer a regulated firearm to any
20 person whom he knows or has reasonable cause to believe:

21 (1) Has been convicted of:

22 (i) A crime of violence;

23 (ii) Any violation classified as a felony in this State or any
24 conspiracy to commit any crimes established by those sections;

25 (iii) Any violation classified as a misdemeanor in this State that
26 carries a statutory penalty of more than 2 years; or

27 (iv) Any violation classified as a common law offense where the
28 person received a term of imprisonment of more than 2 years.

29 (2) Is:

30 (i) A fugitive from justice;

31 (ii) A habitual drunkard;

32 (iii) Addicted to or a habitual user of any controlled dangerous
33 substance or substances;

1 (iv) Suffering from a mental disorder as defined in § 10-101(f)(2) of
2 the Health - General Article and has a history of violent behavior against another
3 person or self, or has been confined for more than 30 consecutive days to a facility as
4 defined in § 10-101 of the Health - General Article, unless the person possesses a
5 physician's certification that the person is capable of possessing a regulated firearm
6 without undue danger to the person or to others;

7 (v) Visibly under the influence of alcohol or drugs;

8 (vi) Under 21 years of age;

9 (vii) A participant in a "straw purchase" as defined in § 441 of this
10 article; or

11 (viii) A respondent against whom a current non ex parte civil
12 protective order has been entered under § 4-506 of the Family Law Article.

13 (3) IS LESS THAN 30 YEARS OF AGE AT THE TIME OF THE TRANSACTION
14 AND HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR
15 COMMITTING:

16 (I) A CRIME OF VIOLENCE;

17 (II) ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE; OR

18 (III) ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
19 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS.

20 (4) SUBJECT TO SUBSECTION (B-1) OF THIS SECTION, FOR A
21 TRANSACTION UNDER THIS SUBSECTION THAT IS MADE ON OR AFTER JANUARY 1,
22 2002 HAS NOT COMPLETED A CERTIFIED FIREARMS SAFETY TRAINING COURSE
23 CONDUCTED FREE OF CHARGE BY THE MARYLAND POLICE TRAINING COMMISSION
24 OR THAT MEETS STANDARDS ESTABLISHED BY THE MARYLAND POLICE TRAINING
25 COMMISSION AS PROVIDED IN ARTICLE 41, § 4-201(D) § 4-201(D-1) OF THE CODE.

26 (B-1) A PERSON IS NOT REQUIRED TO COMPLETE A CERTIFIED FIREARMS
27 TRAINING COURSE UNDER SUBSECTION (B)(4) OF THIS SECTION AND SECTION
28 442(H)(2)(IX) OF THIS SUBHEADING IF THE PERSON:

29 (1) HAS COMPLETED A CERTIFIED FIREARMS TRAINING COURSE
30 REQUIRED UNDER SUBSECTION (B)(4) OF THIS SECTION AND SECTION 442(H)(2)(IX) OF
31 THIS SUBHEADING;

32 (2) IS A LAW ENFORCEMENT OFFICER OF THE STATE OR ANY LOCAL
33 LAW ENFORCEMENT AGENCY IN THE STATE;

34 (3) IS A MEMBER OR, RETIRED MEMBER, OR HONORABLY DISCHARGED
35 MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD;

1 (4) IS A MEMBER OF AN ORGANIZATION THAT IS REQUIRED BY FEDERAL
2 LAW OR REGULATIONS GOVERNING THEIR SPECIFIC BUSINESS OR ACTIVITY TO
3 MAINTAIN HANDGUNS AND APPLICABLE AMMUNITION; OR

4 (5) HAS BEEN ISSUED A PERMIT TO CARRY A HANDGUN UNDER § 36E OF
5 THIS ARTICLE.

6 (d) A person may not possess a regulated firearm if the person:

7 (1) Has been convicted of:

8 (i) A crime of violence;

9 (ii) Any violation classified as a felony in this State;

10 (iii) Any violation classified as a misdemeanor in this State that
11 carries a statutory penalty of more than 2 years; or

12 (iv) Any violation classified as a common law offense where the
13 person received a term of imprisonment of more than 2 years.

14 (2) Is:

15 (i) A fugitive from justice;

16 (ii) A habitual drunkard;

17 (iii) Addicted to or a habitual user of any controlled dangerous
18 substances;

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

25 (v) A respondent against whom a current non ex parte civil
26 protective order has been entered under § 4-506 of the Family Law Article.

27 (3) IS LESS THAN 30 YEARS OF AGE AT THE TIME OF POSSESSION AND
28 HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR COMMITTING:

29 (I) A CRIME OF VIOLENCE;

30 (II) ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE; OR

31 (III) ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
32 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS.

1 442B.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "MANUFACTURER" MEANS ANY PERSON WHO POSSESSES A VALID
5 FEDERAL LICENSE ISSUED BY THE SECRETARY OF THE TREASURY THAT PERMITS
6 THAT PERSON TO ENGAGE IN THE BUSINESS OF MANUFACTURING FIREARMS OR
7 AMMUNITION FOR THE PURPOSE OF SALE OR DISTRIBUTION.

8 (3) "PROJECTILE" MEANS THAT PART OF HANDGUN AMMUNITION THAT
9 IS, BY MEANS OF AN EXPLOSION, EXPELLED THROUGH THE BARREL OF THE
10 HANDGUN.

11 (4) "SHELL CASING" MEANS THAT PART OF HANDGUN AMMUNITION
12 THAT CONTAINS THE PRIMER AND PROPELLENT POWDER TO DISCHARGE THE
13 PROJECTILE.

14 (B) ANY MANUFACTURER THAT SHIPS OR TRANSPORTS A HANDGUN TO BE
15 SOLD, RENTED, OR TRANSFERRED IN THE STATE SHALL INCLUDE IN THE BOX WITH
16 THE HANDGUN IN A SEPARATE SEALED CONTAINER:

17 (1) ~~A PROJECTILE DISCHARGED FROM THAT HANDGUN;~~

18 ~~(2)~~ A SHELL CASING OF A PROJECTILE DISCHARGED FROM THAT
19 HANDGUN; AND

20 ~~(3)~~ (2) ANY ADDITIONAL INFORMATION THAT IDENTIFIES THE TYPE
21 OF HANDGUN, PROJECTILE, OR AND SHELL CASING AND IS AS REQUIRED BY THE
22 SECRETARY TO MEET THE PROVISIONS OF THIS SECTION.

23 (C) UPON RECEIPT OF A HANDGUN FROM THE MANUFACTURER, THE DEALER
24 SHALL CONFIRM TO THE DEPARTMENT OF STATE POLICE THAT THE
25 MANUFACTURER COMPLIED WITH THE PROVISIONS OF SUBSECTION (B).

26 (D) UPON THE SALE OR TRANSFER OF THE HANDGUN, THE DEALER SHALL
27 FORWARD THE SEALED CONTAINER TO THE DEPARTMENT OF STATE POLICE CRIME
28 LABORATORY.

29 (E) UPON RECEIPT OF THE ~~PROJECTILE, SHELL CASING, SHELL CASING AND~~
30 REQUIRED INFORMATION, THE DEPARTMENT OF STATE POLICE CRIME LABORATORY
31 SHALL ENTER THE INFORMATION IN ALL PERTINENT DATABASES.

32 (F) THE SECRETARY SHALL PROMULGATE REGULATIONS TO CARRY OUT THE
33 PROVISIONS OF THIS SECTION.

34 442C.

35 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
36 INDICATED.

1 (2) "AUTHORIZED USER" MEANS THE OWNER AND ANY PERSON
2 AUTHORIZED BY THE OWNER TO POSSESS AND USE THE HANDGUN.

3 (3) ~~"COMMISSION" MEANS THE COMMISSION ON PERSONALIZED~~
4 ~~HANDGUN TECHNOLOGY~~ "EXTERNAL SAFETY LOCK" MEANS AN EXTERNAL DEVICE
5 THAT IS:

6 (I) ATTACHED TO A HANDGUN WITH A KEY OR COMBINATION
7 LOCK; AND

8 (II) DESIGNED TO PREVENT A HANDGUN FROM BEING
9 DISCHARGED UNLESS THE DEVICE HAS BEEN DEACTIVATED.

10 (4) "HANDGUN" HAS THE MEANING STATED IN § 441(N) OF THIS
11 SUBHEADING BUT DOES NOT INCLUDE SIGNAL, STARTER, AND BLANK PISTOLS.

12 (5) "HANDGUN ROSTER BOARD" HAS THE MEANING STATED IN § 36J(A)
13 OF THIS ARTICLE.

14 (6) "INTEGRATED MECHANICAL SAFETY DEVICE" MEANS A DISABLING
15 OR LOCKING DEVICE THAT:

16 (I) IS BUILT INTO A HANDGUN; AND

17 (II) IS DESIGNED TO PREVENT THE HANDGUN FROM BEING
18 DISCHARGED UNLESS THE DEVICE HAS BEEN ~~REMOVED OR~~ DEACTIVATED.

19 (7) "PERSONALIZED HANDGUN" MEANS A HANDGUN MANUFACTURED
20 WITH INCORPORATED DESIGN TECHNOLOGY ALLOWING IT TO BE FIRED ONLY BY A
21 PERSON WHO IS THE AUTHORIZED USER OF THE HANDGUN AND THAT PREVENTS
22 ANY OF THE SAFETY CHARACTERISTICS FROM BEING READILY DEACTIVATED.

23 (B) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

24 (1) PURCHASES, SALES, AND TRANSPORT TO OR BY A LICENSED GUN
25 DEALER OR MANUFACTURER THAT PROVIDES OR SERVICES A HANDGUN FOR:

26 (I) PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY
27 AGENCY OR DEPARTMENT OF THE UNITED STATES;

28 (II) MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR
29 THE NATIONAL GUARD;

30 (III) LAW ENFORCEMENT PERSONNEL OF THE STATE OR ANY LOCAL
31 LAW ENFORCEMENT AGENCY IN THE STATE WHILE THAT PERSONNEL IS ACTING
32 WITHIN THE SCOPE OF THEIR OFFICIAL BUSINESS; AND

33 (IV) ORGANIZATIONS THAT ARE REQUIRED BY FEDERAL LAW OR
34 REGULATIONS GOVERNING THEIR SPECIFIC BUSINESS OR ACTIVITY TO MAINTAIN
35 HANDGUNS AND APPLICABLE AMMUNITION;

1 (2) ANY FIREARM MODIFIED TO RENDER IT PERMANENTLY
2 INOPERATIVE;

3 (3) SALES OR TRANSFERS BY ANY LICENSED GUN DEALER OR
4 MANUFACTURER COVERED UNDER PARAGRAPH (1) OF THIS SUBSECTION;

5 (4) SALES OR TRANSFERS ~~TO BY~~ A LICENSED GUN DEALER ~~IN ANOTHER~~
6 OR MANUFACTURER TO A LAWFUL CUSTOMER OUTSIDE THE STATE; OR

7 (5) ANTIQUE FIREARMS.

8 (C) A DEALER MAY NOT SELL, OFFER FOR SALE, RENT, OR TRANSFER IN THE
9 STATE ANY HANDGUN MANUFACTURED ON OR BEFORE DECEMBER 31, 2002 UNLESS
10 THE HANDGUN IS SOLD, OFFERED FOR SALE, RENTED, OR TRANSFERRED WITH AN
11 EXTERNAL SAFETY LOCK.

12 ~~(C)~~ (D) BEGINNING ON JANUARY 1, ~~2002~~ 2003, A DEALER MAY NOT SELL,
13 OFFER FOR SALE, RENT, OR TRANSFER IN THE STATE ANY HANDGUN
14 MANUFACTURED AFTER DECEMBER 31, ~~2004~~ 2002 UNLESS THE HANDGUN HAS AN
15 INTEGRATED MECHANICAL SAFETY DEVICE ~~OR OTHER INCORPORATED DESIGN~~
16 ~~TECHNOLOGY THAT IS DESIGNED TO PREVENT CHILDREN AND OTHER~~
17 ~~UNAUTHORIZED USERS FROM DISCHARGING THE HANDGUN.~~

18 ~~(D)~~ (1) THERE IS A COMMISSION ON PERSONALIZED HANDGUN
19 ~~TECHNOLOGY.~~

20 (2) ~~THE COMMISSION CONSISTS OF THE FOLLOWING 11 MEMBERS:~~

21 (I) ~~THREE MEMBERS OF THE SENATE OF MARYLAND, APPOINTED~~
22 ~~BY THE PRESIDENT OF THE SENATE, ONE OF WHOM SHALL SERVE AS COCHAIRMAN;~~

23 (II) ~~THREE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED~~
24 ~~BY THE SPEAKER OF THE HOUSE, ONE OF WHOM SHALL SERVE AS COCHAIRMAN;~~

25 (III) ~~THE SECRETARY OF THE STATE POLICE;~~

26 (IV) ~~TWO INDIVIDUALS WITH EXPERTISE IN THE FIELD OF~~
27 ~~HANDGUNS AND HANDGUN DESIGN, APPOINTED BY THE GOVERNOR; AND~~

28 (V) ~~TWO MEMBERS OF THE GENERAL PUBLIC, APPOINTED BY THE~~
29 ~~GOVERNOR.~~

30 (3) (I) ~~THE COMMISSION SHALL CONSIDER WHETHER PERSONALIZED~~
31 ~~HANDGUNS ARE COMMERCIALY AVAILABLE AND SUBMIT A REPORT CONTAINING~~
32 ~~THE COMMISSION'S RECOMMENDATION TO THE GOVERNOR AND, IN ACCORDANCE~~
33 ~~WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY,~~
34 ~~ON OR BEFORE JULY 1, 2002.~~

1 (H) IN MAKING ITS RECOMMENDATION REGARDING THE
2 ~~COMMERCIAL AVAILABILITY OF PERSONALIZED HANDGUNS, THE COMMISSION MAY~~
3 ~~CONSIDER:~~

4 1. ~~THE RELIABILITY OF THE TECHNOLOGY UTILIZED BY~~
5 ~~PERSONALIZED HANDGUNS, AND OTHER FACTORS THAT ARE CONSIDERED BY THE~~
6 ~~HANDGUN ROSTER BOARD AS PROVIDED IN § 36J OF THIS ARTICLE;~~

7 (E) (1) THE HANDGUN ROSTER BOARD SHALL REVIEW THE STATUS OF
8 PERSONALIZED HANDGUN TECHNOLOGY AND REPORT ITS FINDINGS TO THE
9 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
10 ARTICLE, TO THE GENERAL ASSEMBLY ON AN ANNUAL BASIS, BEGINNING ON OR
11 BEFORE JULY 1, 2002.

12 (2) IN REVIEWING THE STATUS OF PERSONALIZED HANDGUN
13 TECHNOLOGY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HANDGUN ROSTER
14 BOARD SHALL CONSIDER:

15 2. (I) THE NUMBER AND VARIETY OF MODELS AND
16 CALIBERS OF PERSONALIZED HANDGUNS THAT ARE AVAILABLE FOR SALE;

17 3. (II) ANY STUDIES, ANALYSES, OR OTHER EVALUATIONS
18 OF PERSONALIZED HANDGUNS CONDUCTED BY OR COMMISSIONED BY THE
19 NATIONAL INSTITUTE OF JUSTICE, ANY FEDERAL, STATE, OR LOCAL LAW
20 ENFORCEMENT LABORATORY, OR ANY OTHER ENTITY WITH AN EXPERTISE IN THE
21 FIELD OF HANDGUN TECHNOLOGY; AND

22 4. (III) ANY OTHER INFORMATION THAT THE COMMISSION
23 HANDGUN ROSTER BOARD CONSIDERS RELEVANT.

24 (4) ~~IF THE COMMISSION'S REPORT RECOMMENDS THAT PERSONALIZED~~
25 ~~HANDGUNS ARE COMMERCIALY AVAILABLE, AND THE GOVERNOR ACCEPTS THAT~~
26 ~~RECOMMENDATION, THE GOVERNOR SHALL NOTIFY THE LEGISLATIVE POLICY~~
27 ~~COMMITTEE IN WRITING BY JANUARY 1, 2003 THAT, BEGINNING ON JUNE 1, 2003,~~
28 ~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DEALER MAY NOT~~
29 ~~SELL, OFFER FOR SALE, RENT, OR TRANSFER IN THE STATE A HANDGUN~~
30 ~~MANUFACTURED AFTER MAY 31, 2003, UNLESS THE HANDGUN IS A PERSONALIZED~~
31 ~~HANDGUN.~~

32 (5) (I) IF THE COMMISSION'S REPORT RECOMMENDS THAT
33 PERSONALIZED HANDGUNS ARE NOT COMMERCIALY AVAILABLE, AND THE
34 GOVERNOR ACCEPTS THAT RECOMMENDATION, THE COMMISSION SHALL ISSUE A
35 SUBSEQUENT REPORT ON JULY 1 AND DECEMBER 31 OF EACH SUBSEQUENT YEAR.

36 (H) ~~IF THE COMMISSION'S SUBSEQUENT REPORT REQUIRED~~
37 ~~UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH CONTAINS A RECOMMENDATION BY~~
38 ~~THE COMMISSION THAT PERSONALIZED HANDGUNS ARE COMMERCIALY~~
39 ~~AVAILABLE, AND THE GOVERNOR ACCEPTS THAT RECOMMENDATION, THE~~
40 ~~GOVERNOR SHALL NOTIFY THE LEGISLATIVE POLICY COMMITTEE IN WRITING BY~~
41 ~~JANUARY 1 OF THE FOLLOWING YEAR THAT, BEGINNING ON JUNE 1 OF THAT YEAR,~~

1 ~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DEALER MAY NOT~~
 2 ~~SELL, OFFER FOR SALE, RENT, OR TRANSFER IN THE STATE A HANDGUN~~
 3 ~~MANUFACTURED AFTER MAY 31 OF THAT YEAR UNLESS THE HANDGUN IS A~~
 4 ~~PERSONALIZED HANDGUN.~~

5 445B.

6 Any regulated firearm sold, rented, transferred, possessed, received or
 7 purchased in violation of this subheading may be seized by a law enforcement agency
 8 as contraband and, after a finding of guilt, disposed of [according to the regulations of
 9 the seizing law enforcement agency] IN ACCORDANCE WITH § 36C OF THIS ARTICLE.

10 449.

11 (e) A PERSON WHO WAS PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE
 12 AS DEFINED IN § 441(E) OF THIS ARTICLE OR CONVICTED OF A VIOLATION OF § 286 OR
 13 § 286A OF THIS ARTICLE, AND WHO IS IN ILLEGAL POSSESSION OF A FIREARM AS
 14 DEFINED IN § 445(D)(1)(I) AND (II) OF THIS ARTICLE, IS GUILTY OF A FELONY AND
 15 UPON CONVICTION SHALL BE IMPRISONED FOR NOT LESS THAN 5 YEARS, NO PART
 16 OF WHICH MAY BE SUSPENDED AND THE PERSON MAY NOT BE ELIGIBLE FOR
 17 PAROLE. EACH VIOLATION SHALL BE CONSIDERED A SEPARATE OFFENSE.

18 (F) Except as otherwise provided in this section, any dealer or person who
 19 knowingly participates in the illegal sale, rental, transfer, purchase, possession, or
 20 receipt of a regulated firearm in violation of this subheading shall be guilty of a
 21 misdemeanor and upon conviction shall be fined not more than \$10,000 or imprisoned
 22 for not more than 5 years, or both. Each violation shall be considered a separate
 23 offense.

24 **Article 41 - Governor - Executive and Administrative Departments**

25 4-201.

26 ~~(d) Subject to the authority of the Secretary of Public Safety and Correctional~~
 27 ~~Services, the Commission is vested with the following authority, responsibility and~~
 28 ~~duty:~~

29 (15) ~~To adopt regulations to establish and enforce standards for prior~~
 30 ~~substance abuse by persons applying for certification as a police officer; [and]~~

31 ~~(16) TO DEVELOP STANDARDS AND ADOPT REGULATIONS BY JANUARY 1,~~
 32 ~~2001 FOR A CERTIFIED FIREARMS SAFETY TRAINING COURSE FOR ALL HANDGUN~~
 33 ~~PURCHASERS ON OR AFTER JANUARY 1, 2002, AND, IN ADOPTING THESE~~
 34 ~~REGULATIONS, TO CONSIDER ANY EXISTING PRIVATE AND PUBLIC FIREARMS~~
 35 ~~SAFETY TRAINING COURSES INCLUDING, BUT NOT LIMITED TO, ACQUIRING THE~~
 36 ~~INPUT OF THE HANDGUN INDUSTRY AND VARIOUS HANDGUN ORGANIZATIONS; AND~~

37 (17) ~~To perform such other acts as may be necessary or appropriate to~~
 38 ~~carry out its functions and duties as set forth in this section.~~

1 (D-1) (1) THE COMMISSION SHALL, SUBJECT TO PARAGRAPH (2) OF THIS
2 SUBSECTION, ADOPT REGULATIONS BY JANUARY 1, 2001 FOR A CERTIFIED FIREARMS
3 SAFETY TRAINING COURSE REQUIRED FOR AN APPLICANT FOR A REGULATED
4 FIREARMS PURCHASE, RENTAL, OR TRANSFER MADE ON OR AFTER JANUARY 1, 2002.

5 (2) THE REQUIRED CERTIFIED FIREARMS SAFETY TRAINING COURSE
6 SHALL:

7 (I) BE OFFERED BY THE COMMISSION AND:

8 1. BE OFFERED FREE OF CHARGE OR FEE;

9 2. BE NO MORE THAN 2 HOURS IN LENGTH;

10 3. BE CONDUCTED OR OFFERED AT LEAST ONCE EACH WEEK
11 IN ALL GEOGRAPHIC AREAS OF THE STATE AND BE AVAILABLE AFTER REGULAR
12 BUSINESS HOURS;

13 4. BE OPEN TO ANY INDIVIDUAL REQUIRED BY LAW TO
14 COMPLETE THE FIREARMS SAFETY TRAINING COURSE, WITHIN 2 WEEKS OF THE
15 REQUEST OF THE INDIVIDUAL;

16 5. MAY NOT REQUIRE ANY SKILLS OR KNOWLEDGE TESTING
17 IN THE USE OF A REGULATED FIREARM IN ORDER TO SUCCESSFULLY COMPLETE
18 THE COURSE; AND

19 6. SHALL ONLY REQUIRE ATTENDANCE THROUGHOUT THE
20 DURATION OF THE COURSE IN ORDER TO SUCCESSFULLY COMPLETE THE COURSE;
21 OR

22 (II) CONTAIN A HANDGUN SAFETY COMPONENT AND BE
23 CONDUCTED BY AN INDIVIDUAL OR ORGANIZATION CERTIFIED BY:

24 1. THE POLICE TRAINING COMMISSION;

25 2. THE DEPARTMENT OF NATURAL RESOURCES;

26 3. THE DEPARTMENT OF STATE POLICE; OR

27 4. ANY REPUTABLE ORGANIZATION HAVING AS ONE OF ITS
28 OBJECTIVES THE PROMOTION OF COMPETENCY AND SAFETY IN HANDLING
29 HANDGUNS WHOSE COURSE HAS BEEN DETERMINED BY THE COMMISSION TO MEET
30 THE REGULATIONS ADOPTED BY THE COMMISSION.

31 **Article 88B - Department of State Police**

32 81.

33 (A) (1) THERE IS A CEASE FIRE COUNCIL WITHIN THE DEPARTMENT OF
34 STATE POLICE.

1 (2) (I) THE COUNCIL SHALL CONSIST OF THE FOLLOWING 11
2 MEMBERS APPOINTED BY THE GOVERNOR:

3 1. THE SECRETARY OF THE DEPARTMENT OF JUVENILE
4 JUSTICE, OR THE SECRETARY'S DESIGNEE;

5 2. THE SECRETARY OF THE STATE POLICE, OR THE
6 SECRETARY'S DESIGNEE;

7 3. THE SECRETARY OF THE DEPARTMENT OF PUBLIC
8 SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

9 4. THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE
10 OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

11 5. TWO STATE'S ATTORNEYS WHO ARE RECOMMENDED BY
12 THE PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION, APPOINTED
13 BY THE GOVERNOR;

14 6. ONE SHERIFF;

15 7. ONE REPRESENTATIVE OF THE MARYLAND CHIEFS OF
16 POLICE ASSOCIATION, APPOINTED BY THE GOVERNOR;

17 8. ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL
18 POLICE EXECUTIVES ASSOCIATION, APPOINTED BY THE GOVERNOR;

19 9. TWO REPRESENTATIVES OF THE GENERAL PUBLIC,
20 APPOINTED BY THE GOVERNOR.

21 (II) THE SECRETARY OF THE MARYLAND STATE POLICE, OR THE
22 SECRETARY'S DESIGNEE, SHALL SERVE AS CHAIRMAN OF THE COUNCIL.

23 (III) THE COUNCIL MEMBERS SHALL SERVE AT THE PLEASURE OF
24 THE GOVERNOR FOR THREE YEAR TERMS. EACH TERM SHALL BE STAGGERED, AND
25 AT THE END OF EACH COUNCIL MEMBER'S TERM, THE MEMBER SHALL CONTINUE TO
26 SERVE UNTIL A SUCCESSOR IS APPOINTED.

27 (IV) MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT SHALL
28 BE REIMBURSED FOR EXPENSES BY THE DEPARTMENT IN ACCORDANCE WITH THE
29 STANDARD STATE TRAVEL REGULATIONS.

30 (3) THE COUNCIL IS ESTABLISHED TO ADMINISTER A STATE GRANT
31 PROGRAM TO SUPPORT INNOVATIVE AND COLLABORATIVE FIREARMS VIOLENCE
32 REDUCTION INITIATIVES.

33 (4) THE COUNCIL SHALL:

34 (I) AWARD GRANTS IN ACCORDANCE WITH SUBSECTION (B) OF
35 THIS SECTION;

1 (II) ESTABLISH OR ASSIST IN THE ESTABLISHMENT OF PROGRAMS
2 DESIGNED TO REDUCE THE INCIDENCE OF FIREARMS VIOLENCE RELATED CRIME,
3 AND ENCOURAGE PARTICIPATION IN EXISTING PROGRAMS WITH THESE
4 OBJECTIVES;

5 (III) IDENTIFY SPECIFIC GOALS, OBJECTIVES, AND
6 METHODOLOGIES TO BE USED IN SUPPORT OF PROGRAMS ELIGIBLE FOR FUNDING
7 UNDER THIS SECTION;

8 (IV) IDENTIFY PRIORITIES FOR FIREARMS VIOLENCE RELATED
9 CRIME PREVENTION STRATEGIES IN THE STATE; AND

10 (V) DEVELOP CRITERIA FOR THE EVALUATION OF THE OUTCOMES
11 OF PROGRAMS THAT RECEIVE FUNDS.

12 (5) (I) STAFF SUPPORT FOR THE COUNCIL SHALL BE PROVIDED BY
13 THE DEPARTMENT OF STATE POLICE.

14 (II) THE ASSISTANT ATTORNEY GENERAL ASSIGNED TO THE
15 DEPARTMENT SHALL SERVE AS THE LEGAL ADVISOR TO THE COUNCIL.

16 (B) (1) THERE IS A CEASE FIRE COUNCIL GRANT PROGRAM.

17 (2) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE
18 BUDGET.

19 (3) GRANTS APPROVED BY THE COUNCIL SHALL BE USED TO CARRY OUT
20 THE PURPOSES AND OBJECTIVES OF THIS SECTION.

21 (4) THE COUNCIL SHALL CONSIDER AND GIVE PRIORITY TO THE
22 FOLLOWING WHEN MAKING PROGRAM AWARDS:

23 (I) COMPREHENSIVE AND COORDINATED LAW ENFORCEMENT
24 AND PROSECUTION PROGRAMS WHICH TARGET CRIMINALS AND JUVENILES WHO
25 USE OR ILLEGALLY POSSESS FIREARMS;

26 (II) LAW ENFORCEMENT AND PROSECUTION SALARIES AND
27 OVERTIME IN SUPPORT OF FIREARM VIOLENCE REDUCTION PROGRAMS;

28 (III) COVERT FIREARMS-RELATED INVESTIGATIONS AND
29 DEBRIEFING OF CRIMINAL AND JUVENILE ARRESTEES AND OFFENDERS FOR
30 INFORMATION RELATED TO ILLEGAL FIREARMS TRAFFICKING;

31 (IV) INITIATIVES THAT SUPPORT THE TRACING OF FIREARMS USED
32 TO COMMIT CRIMES OR DELINQUENT ACTS AND THE IDENTIFICATION OF ILLEGAL
33 FIREARMS TRAFFICKERS;

34 (V) PURCHASES OF TECHNOLOGY AND INFORMATION SYSTEMS TO
35 SUPPORT FIREARM VIOLENCE REDUCTION INITIATIVES; AND

1 (VI) OTHER EFFORTS THAT AID IN THE APPREHENSION AND
2 PROSECUTION OF CRIMINALS AND JUVENILES WHO USE OR ILLEGALLY POSSESS
3 FIREARMS.

4 (5) EXPENDITURES FROM THE PROGRAM MAY ONLY BE MADE
5 PURSUANT TO AN APPROPRIATION IN THE ANNUAL STATE BUDGET OR BY BUDGET
6 AMENDMENT.

7 (6) THE COUNCIL SHALL PROMULGATE REGULATIONS REGARDING THE
8 GRANT PROCESS AND THE OVERSIGHT OF GRANTS AWARDED BY THE COUNCIL.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2000.