

# HOUSE BILL 519

E4  
HB 1328/10 – JUD

11r2217  
CF 11r2621

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By: **Delegates Arora, Clippinger, Anderson, Carter, Conaway, Dumais, Frick, Lee, Luedtke, Mitchell, Niemann, Simmons, Sophocleus, Summers, Tarrant, Valderrama, Valentino-Smith, and Waldstreicher**

Introduced and read first time: February 7, 2011

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Knowing Violation of Specified Prohibitions – Penalty**

3 FOR the purpose of applying a certain penalty to the knowing violation of a certain  
4 prohibition against the possession of a regulated firearm or ammunition solely  
5 designed for a regulated firearm by a person who is under a certain age, and to  
6 the knowing violation of a certain prohibition against obliterating, removing,  
7 changing, or altering the manufacturer's identification mark or number on a  
8 firearm; and generally relating to firearms violations.

9 BY repealing and reenacting, without amendments,  
10 Article – Public Safety  
11 Section 5–133(d) and 5–142  
12 Annotated Code of Maryland  
13 (2003 Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 5–143  
17 Annotated Code of Maryland  
18 (2003 Volume and 2010 Supplement)

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

21 **Article – Public Safety**

22 5–133.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) Except as provided in paragraph (2) of this subsection, a person  
2 who is under the age of 21 years may not possess a regulated firearm or ammunition  
3 solely designed for a regulated firearm.

4 (2) Unless a person is otherwise prohibited from possessing a  
5 regulated firearm, this subsection does not apply to:

6 (i) the temporary transfer or possession of a regulated firearm  
7 or ammunition solely designed for a regulated firearm if the person is:

8 1. under the supervision of another who is at least 21  
9 years old and who is not prohibited by State or federal law from possessing a firearm;  
10 and

11 2. acting with the permission of the parent or legal  
12 guardian of the transferee or person in possession;

13 (ii) the transfer by inheritance of title, and not of possession, of  
14 a regulated firearm;

15 (iii) a member of the armed forces of the United States or the  
16 National Guard while performing official duties;

17 (iv) the temporary transfer or possession of a regulated firearm  
18 or ammunition solely designed for a regulated firearm if the person is:

19 1. participating in marksmanship training of a  
20 recognized organization; and

21 2. under the supervision of a qualified instructor;

22 (v) a person who is required to possess a regulated firearm for  
23 employment and who holds a permit under Subtitle 3 of this title; or

24 (vi) the possession of a firearm or ammunition for self-defense  
25 or the defense of others against a trespasser into the residence of the person in  
26 possession or into a residence in which the person in possession is an invited guest.

27 5-142.

28 (a) A person may not obliterate, remove, change, or alter the manufacturer's  
29 identification mark or number on a firearm.

30 (b) If on trial for a violation of this section possession of the firearm by the  
31 defendant is established, the defendant is presumed to have obliterated, removed,  
32 changed, or altered the manufacturer's identification mark or number on the firearm.

33 5-143.

1           (a)    Except as otherwise provided in this subtitle, a dealer or other person  
2 may not:

3                   (1)    knowingly participate in the illegal sale, rental, transfer, purchase,  
4 possession, or receipt of a regulated firearm in violation of this subtitle; **OR**

5                   (2)    **KNOWINGLY VIOLATE § 5-133(D) OR § 5-142 OF THIS**  
6 **SUBTITLE.**

7           (b)    A person who violates this section is guilty of a misdemeanor and on  
8 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding  
9 \$10,000 or both.

10           (c)    Each violation of this section is a separate crime.

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2011.