

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 281

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “making it a misdemeanor to possess or use certain firearm ammunition during and in relation to the commission of a certain crime of violence;”; strike beginning with “providing” in line 14 down through “circumstances;” in line 15; and in line 17, after “firearm” insert “, with certain exceptions”.

On page 2, in line 1, strike “or consign”; in line 4, after “times;” insert “repealing certain duties of the Police Training Commission relating to a certain firearms safety training course;”; in line 8, strike “requiring that” and substitute “requiring the Secretary to include certain information in a certain notice if a State-regulated firearms dealer’s license application is denied; authorizing”; in the same line, after “Secretary” insert “to”; in line 10, after “requirements;” insert “authorizing the Secretary to lift a certain license suspension under certain circumstances;”; and strike beginning with “requiring” in line 37 down through “understanding” in line 38 and substitute “authorizing the Secretary of Health and Mental Hygiene to adopt certain regulations; providing that certain individuals may not be held criminally or civilly liable for certain actions”.

On page 3, in line 4, after “time;” insert “requiring certain persons who sell or transfer regulated firearms to notify certain purchasers or recipients at the time of purchase or transfer that the purchaser or recipient is required to report a lost or stolen regulated firearm to a certain law enforcement agency; requiring the owner of a regulated firearm to report the loss or theft of the regulated firearm to a certain law enforcement agency within a certain period of time after the owner discovers the loss or theft; requiring a law enforcement agency on receipt of a report of a lost or stolen regulated firearm to enter certain information into a certain database;”; in line 13, after “circumstances;” insert “prohibiting public inspection of the records of certain”.

(Over)

regulated firearm dealers, owners, or permit holders; authorizing the individual named in the record and the individual's attorney to view certain records; providing that this Act does not prohibit the Department of Public Safety and Correctional Services and the Department of State Police from accessing certain records in the performance of official duties;"; in line 14, after "terms;" insert "requiring the Department of State Police to make certain investigations and to report its findings to the Governor and the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act;"; after line 14, insert:

"BY adding to

Article – Criminal Law

Section 4-110

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)";

in line 33, after "Section" insert "3-208,"; in the same line, after "5-110(a)" insert "and (b)"; in line 39, strike "and"; and in line 40, after "5-145" insert ", and 5-146".

On page 4, after line 5, insert:

"BY repealing and reenacting, without amendments,

Article – State Government

Section 10-616(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Government

Section 10-616(v)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)".

AMENDMENT NO. 2

On page 4, after line 8, insert:

“4-110.

(A) IN THIS SECTION, “RESTRICTED FIREARM AMMUNITION” MEANS A CARTRIDGE, A SHELL, OR ANY OTHER DEVICE THAT:

(1) CONTAINS EXPLOSIVE OR INCENDIARY MATERIAL DESIGNED AND INTENDED FOR USE IN A FIREARM; AND

(2) HAS A CORE CONSTRUCTED, EXCLUDING TRACES OF OTHER SUBSTANCES, ENTIRELY FROM ONE OR A COMBINATION OF:

(I) TUNGSTEN ALLOYS;

(II) STEEL;

(III) IRON;

(IV) BRASS;

(V) BERYLLIUM COPPER;

(VI) DEPLETED URANIUM; OR

(VII) AN EQUIVALENT MATERIAL OF SIMILAR DENSITY OR HARDNESS.

(Over)

(B) A PERSON MAY NOT, DURING AND IN RELATION TO THE COMMISSION OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THIS ARTICLE, POSSESS OR USE RESTRICTED FIREARM AMMUNITION.

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

AMENDMENT NO. 3

On page 6, in line 8, strike the brackets.

On page 7, strike beginning with “A” in line 7 down through “2.” in line 9; in line 10, strike “OR TELESCOPING”; in lines 11 and 12, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, respectively; in line 11, after “LAUNCHER;” insert “OR”; in line 12, strike “OR”; strike line 13 in its entirety; and in line 17, strike “30” and substitute “29”.

On pages 7 and 8, strike in their entirety the lines beginning with line 18 on page 7 through line 2 on page 8, inclusive.

On page 8, in lines 3, 5, and 10, strike “(V)”, “(VI)”, and “(VII)”, respectively, and substitute “(IV)”, “(V)”, and “(VI)”, respectively; in line 5, strike the colon; in line 6, strike “1.”; in the same line, strike “OR TELESCOPING”; strike beginning with “AND” in line 6 down through “HANDGRIP;” in line 9; strike in their entirety lines 20 and 21; in line 22, strike “(I)” and substitute “(H)”; and strike in their entirety lines 25 through 29, inclusive.

On page 9, in line 9, after “POSSESSION,” insert “IMPORTATION,”; in line 10, after “MANUFACTURE,” insert “STORAGE,”; and in line 16, after “state” insert “OR TO”

AN INDIVIDUAL PURCHASER IN ANOTHER STATE THROUGH A LICENSED FIREARMS DEALER”.

AMENDMENT NO. 4

On page 10, in line 6, strike “OR”; and in line 10, after “ARTICLE” insert “; OR

(9) POSSESSION, RECEIPT, AND TESTING BY, OR SHIPPING TO OR FROM:

(I) AN ISO 17025 ACCREDITED, NATIONAL INSTITUTE OF JUSTICE-APPROVED BALLISTICS TESTING LABORATORY; OR

(II) A FACILITY THAT MANUFACTURES OR PROVIDES RESEARCH AND DEVELOPMENT TESTING, ANALYSIS, OR ENGINEERING FOR PERSONAL PROTECTIVE EQUIPMENT OR VEHICLE PROTECTION SYSTEMS”.

On page 12, after line 6, insert:

“(4) A PERSON MAY TRANSPORT AN ASSAULT WEAPON TO OR FROM:

(I) AN ISO 17025 ACCREDITED, NATIONAL INSTITUTE OF JUSTICE-APPROVED BALLISTICS TESTING LABORATORY; OR

(II) A FACILITY THAT MANUFACTURES OR PROVIDES RESEARCH AND DEVELOPMENT TESTING, ANALYSIS, OR ENGINEERING FOR PERSONAL PROTECTIVE EQUIPMENT OR VEHICLE PROTECTION SYSTEMS.”;

in line 12, after “to” insert “:

(1);

and in the same line, after “magazine” insert “**; OR**”

(2) A LAW ENFORCEMENT OFFICER OR A PERSON WHO RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR ANY LAW ENFORCEMENT AGENCY IN THE STATE”.

AMENDMENT NO. 5

On page 10, in line 25, after “**(2)**” insert “**A LICENSED FIREARMS DEALER MAY CONTINUE TO POSSESS, SELL, OFFER FOR SALE, OR TRANSFER AN ASSAULT LONG GUN OR A COPYCAT WEAPON THAT THE LICENSED FIREARMS DEALER LAWFULLY POSSESSED ON OR BEFORE OCTOBER 1, 2013.**”

(3);

in line 29, strike “**(I)**”; in the same line, after “**POSSESSED**” insert “**OR PLACED A VERIFIABLE PURCHASE ORDER FOR**”; and strike beginning with “**AND**” in line 30 down through “**2014,**” in line 32.

On page 11, in lines 1 and 3, strike “**1.**” and “**2.**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively.

On pages 11 and 12, strike in their entirety the lines beginning with line 11 on page 11 through line 6 on page 12, inclusive.

On page 13, in lines 11 and 15, in each instance, strike “**ADMISSION**” and substitute “**COMMITMENT**”; in line 16, strike “**(I)**”; and strike beginning with “**; OR**” in line 17 down through “**CONSIGNMENT**” in line 20.

On page 14, after line 12, insert:

“3-208.

[(a)] Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to adopt regulations necessary or appropriate to carry out this subtitle; and

(2) to adopt regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a police officer.

[(b)] Subject to subsections (c) and (d) of this section, the Commission shall adopt regulations on or before January 1, 2001, for a certified firearms safety training course required for an applicant for a regulated firearms purchase, rental, or transfer made on or after January 1, 2002.

(c) The certified firearms safety training course required under subsection (b) of this section shall:

(1) be offered by the Commission; or

(2) contain a handgun safety component and be conducted by an individual or organization certified by:

(i) the Commission;

(ii) the Department of Natural Resources;

(iii) the Department of State Police; or

(Over)

(iv) any reputable organization:

1. that has as one of its objectives the promotion of competency and safety in handling handguns; and

2. whose course has been determined by the Commission to meet the regulations adopted by the Commission.

(d) Any course offered by the Commission under subsection (c) of this section:

(1) shall be offered free of charge or fee;

(2) may not be more than 2 hours in duration;

(3) shall be conducted or offered at least once each week in all geographic areas of the State;

(4) shall be available after regular business hours;

(5) shall be open to each individual required by law to complete the firearms safety training course, within 2 weeks after request of the individual;

(6) shall only require attendance throughout the duration of the course in order to complete the course successfully; and

(7) may not require any skills or knowledge testing in the use of a regulated firearm in order to complete the course successfully.】

On page 16, strike beginning with “PERSON” in line 18 down through “HANDGUNS” in line 21 and substitute “**CERTIFIED FIREARMS INSTRUCTOR WHO:**”

(1) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;

(2) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR

(3) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION”.

On page 20, in line 2, after “(a)”, insert “(1)”; in lines 3 and 4, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 3, strike the brackets; in line 5, strike “; OR” and substitute a period; in line 6, strike “(3)” and substitute “(2) (I) THE SECRETARY MAY SUSPEND A DEALER’S LICENSE IF THE LICENSEE”; after line 7, insert:

“(II) THE SECRETARY MAY LIFT A SUSPENSION UNDER THIS PARAGRAPH AFTER THE LICENSEE PROVIDES EVIDENCE THAT THE RECORD KEEPING VIOLATION HAS BEEN CORRECTED.”;

and in line 27, strike “REGULATED FIREARM” and substitute “HANDGUN”.

On page 21, strike beginning with the colon in line 20 down through “(I)” in line 21 and substitute a comma; and in lines 24, 26, 27, 28, and 29, strike “1.”, “2.”, “A.”, “B.”, and “C.”, respectively, and substitute “(I)”, “(II)”, “1.”, “2.”, and “3.”, respectively.

On page 22, in line 1, strike “(II)” and substitute “(III)”; strike beginning with “WITHIN” in line 1 down through “INCLUDES” in line 3; after line 16, insert:

“(2) HAS COMPLETED A COURSE OF INSTRUCTION IN COMPETENCY AND SAFETY IN THE HANDLING OF FIREARMS PRESCRIBED BY THE

DEPARTMENT OF NATURAL RESOURCES UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE;

in lines 17, 24, and 26, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; strike beginning with “CURRENTLY” in line 17 down through “ORGANIZATION” in line 23 and substitute “A QUALIFIED HANDGUN INSTRUCTOR”; in line 25, strike the second “OR”; and in line 27, after “ARTICLE” insert “; OR”

(6) LAWFULLY OWNS A REGULATED FIREARM”.

On page 24, in line 9, after “PROGRAM” insert “OF”; in the same line, strike “\$25” and substitute “\$50”; in line 10, after “(3)” insert “(I)”; in the same line, after the second “OF” insert “:”

1.”;

in line 11, after “SECRETARY” insert “; OR”

2. A COURSE OF INSTRUCTION IN COMPETENCY AND SAFETY IN THE HANDLING OF FIREARMS PRESCRIBED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE;

and in the same line, after “OR” insert:

“**(II)**”.

On page 26, after line 7, insert:

“(N) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.”.

On page 40, in line 9, strike “30” and substitute “90”.

On page 41, in line 24, strike “THE SECRETARY MAY PROVIDE THAT RECORDS” and substitute “RECORDS”; and in line 26, after “SECTION” insert “, IF THE SECRETARY IS GRANTED ACCESS TO THOSE RECORDS”.

On page 47, strike beginning with “CURRENTLY” in line 18 down through “ORGANIZATION” in line 24 and substitute “A QUALIFIED HANDGUN INSTRUCTOR”.

AMENDMENT NO. 6

On page 42, after line 33, insert:

“(3) THE PENALTIES PROVIDED IN THIS SUBSECTION ARE NOT INTENDED TO APPLY TO INCONSEQUENTIAL OR INADVERTENT ERRORS.

5-146.

(A) A DEALER OR ANY OTHER PERSON WHO SELLS OR TRANSFERS A FIREARM SHALL NOTIFY THE PURCHASER OR RECIPIENT OF THE FIREARM AT THE TIME OF PURCHASE OR TRANSFER THAT THE PURCHASER OR RECIPIENT IS REQUIRED TO REPORT A LOST OR STOLEN FIREARM TO THE LOCAL LAW ENFORCEMENT AGENCY AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(B) IF A FIREARM IS LOST OR STOLEN, THE OWNER OF THE FIREARM SHALL REPORT THE LOSS OR THEFT TO THE LOCAL LAW ENFORCEMENT

AGENCY WITHIN 72 HOURS AFTER THE OWNER FIRST DISCOVERS THE LOSS OR THEFT.

(C) ON RECEIPT OF A REPORT OF A LOST OR STOLEN FIREARM, A LOCAL LAW ENFORCEMENT AGENCY SHALL REPORT TO THE SECRETARY AND ENTER INTO THE NATIONAL CRIME INFORMATION CENTER (NCIC) DATABASE, TO THE EXTENT KNOWN, THE CALIBER, MAKE, MODEL, MANUFACTURER, AND SERIAL NUMBER OF THE FIREARM AND ANY OTHER DISTINGUISHING NUMBER OR IDENTIFICATION MARK ON THE FIREARM.

(D) (1) A KNOWING AND WILLFUL FIRST-TIME VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.

(2) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS SECTION FOR A SECOND OR SUBSEQUENT TIME IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(E) THE IMPOSITION OF A CIVIL OR CRIMINAL PENALTY UNDER THIS SECTION DOES NOT PRECLUDE THE PURSUIT OF ANY OTHER CIVIL REMEDY OR CRIMINAL PROSECUTION AUTHORIZED BY LAW.”.

AMENDMENT NO. 7

On page 26, strike beginning with the comma in line 24 down through “ANOTHER” in line 27.

On page 27, in line 7, strike “BEFORE OCTOBER 1, 2013, WAS” and substitute “HAS”; in line 8, after “NEVER” insert “BEEN”; strike in their entirety lines 12 through 18, inclusive; and in lines 19, 22, and 28, strike “(XIII)”, “(XIV)”, and “(XV)”, respectively, and substitute “(XII)”, “(XIII)”, and “(XIV)”, respectively.

On page 29, strike lines 24 through 29 in their entirety and substitute:

“(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH - GENERAL ARTICLE AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER;”.

On page 30, in line 5, strike **“BEFORE OCTOBER 1, 2013”**; strike in their entirety lines 8 through 19, inclusive, and substitute:

“(10) HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;”;

in lines 20, 23, and 31, strike **“(12)”**, **“(13)”**, and **“(14)”**, respectively, and substitute **“(11)”**, **“(12)”**, and **“(13)”**, respectively.

AMENDMENT NO. 8

On pages 34 through 40, strike in their entirety the lines beginning with line 23 on page 34 through line 5 on page 40, inclusive, and substitute:

“5-133.3.

(A) IN THIS SECTION, “HEALTH DEPARTMENT” MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(B) A PERSON SUBJECT TO A REGULATED FIREARMS DISQUALIFICATION UNDER § 5-133(B)(6), (7), (8), (9), (10), OR (11) OF THIS SUBTITLE, A RIFLE OR SHOTGUN DISQUALIFICATION UNDER § 5-205(B)(6), (7), (8), (9), (10), OR (11) OF THIS TITLE, OR PROHIBITED FROM THE SHIPMENT, TRANSPORTATION, POSSESSION, OR RECEIPT OF A FIREARM BY 18 U.S.C. §§

(Over)

922(D)(4) OR (G)(4) AS A RESULT OF AN ADJUDICATION OR COMMITMENT THAT OCCURRED IN THE STATE MAY BE AUTHORIZED TO POSSESS A FIREARM IF:

(1) THE PERSON IS NOT SUBJECT TO ANOTHER FIREARMS RESTRICTION UNDER STATE OR FEDERAL LAW; AND

(2) THE HEALTH DEPARTMENT, IN ACCORDANCE WITH THIS SECTION, DETERMINES THAT THE PERSON MAY POSSESS A FIREARM.

(C) A PERSON WHO SEEKS RELIEF FROM A FIREARMS DISQUALIFICATION SHALL FILE AN APPLICATION WITH THE HEALTH DEPARTMENT IN THE FORM AND MANNER SET BY THE HEALTH DEPARTMENT.

(D) AN APPLICATION FOR RELIEF FROM A FIREARMS DISQUALIFICATION SHALL INCLUDE:

(1) A COMPLETE AND ACCURATE STATEMENT EXPLAINING THE REASON WHY THE APPLICANT IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133(B)(6), (7), (8), (9), (10), OR (11) OF THIS SUBTITLE OR A RIFLE OR SHOTGUN UNDER § 5-205(B)(6), (7), (8), (9), (10), OR (11) OF THIS TITLE, OR IS PROHIBITED FROM THE SHIPMENT, TRANSPORTATION, POSSESSION, OR RECEIPT OF A FIREARM BY 18 U.S.C. §§ 922(D)(4) OR (G)(4) AS A RESULT OF AN ADJUDICATION OR COMMITMENT THAT OCCURRED IN THE STATE;

(2) A STATEMENT WHY THE APPLICANT SHOULD BE RELIEVED FROM THE PROHIBITION DESCRIBED IN ITEM (1) OF THIS SUBSECTION;

(3) IF THE APPLICANT IS SUBJECT TO A PROHIBITION DESCRIBED IN ITEM (1) OF THIS SUBSECTION, A CERTIFICATE ISSUED WITHIN 30 DAYS OF THE SUBMISSION OF THE APPLICATION ON A FORM APPROVED BY THE HEALTH DEPARTMENT AND SIGNED BY AN INDIVIDUAL LICENSED IN THE STATE AS A PHYSICIAN WHO IS BOARD CERTIFIED IN PSYCHIATRY OR AS A PSYCHOLOGIST STATING:

(I) THE LENGTH OF TIME THAT THE APPLICANT HAS NOT HAD SYMPTOMS THAT CAUSE THE APPLICANT TO BE A DANGER TO THE APPLICANT OR OTHERS, OR, IF THE DISQUALIFICATION RELATES TO AN INTELLECTUAL DISABILITY, THE LENGTH OF TIME THAT THE APPLICANT HAS NOT ENGAGED IN BEHAVIORS THAT CAUSE THE APPLICANT TO BE A DANGER TO THE APPLICANT OR OTHERS;

(II) THE LENGTH OF TIME THAT THE APPLICANT HAS BEEN COMPLIANT WITH THE TREATMENT PLAN FOR THE APPLICANT'S MENTAL ILLNESS, OR, IF THE DISQUALIFICATION RELATES TO AN INTELLECTUAL DISABILITY, THE LENGTH OF TIME THAT THE APPLICANT HAS BEEN COMPLIANT WITH ANY BEHAVIOR PLAN OR BEHAVIOR MANAGEMENT PLAN;

(III) AN OPINION AS TO WHETHER THE APPLICANT, BECAUSE OF MENTAL ILLNESS, WOULD BE A DANGER TO THE APPLICANT IF ALLOWED TO POSSESS A FIREARM AND A STATEMENT OF REASONS FOR THE OPINION; AND

(IV) AN OPINION AS TO WHETHER THE APPLICANT, BECAUSE OF MENTAL ILLNESS, WOULD BE A DANGER TO ANOTHER PERSON OR POSES A RISK TO PUBLIC SAFETY IF ALLOWED TO POSSESS A FIREARM;

(Over)

(4) IF THE APPLICANT IS PROHIBITED FROM POSSESSING A FIREARM UNDER § 5-133(B)(11) OF THIS SUBTITLE OR § 5-205(B)(11) OF THIS TITLE:

(I) A COPY OF ALL PLEADINGS, AFFIDAVITS, AND CERTIFICATES SUBMITTED INTO EVIDENCE AT THE GUARDIANSHIP PROCEEDING; AND

(II) ALL ORDERS ISSUED BY THE COURT RELATING TO THE GUARDIANSHIP, INCLUDING, IF APPLICABLE, AN ORDER INDICATING THAT THE GUARDIANSHIP IS NO LONGER IN EFFECT;

(5) A SIGNED AUTHORIZATION, ON A FORM APPROVED BY THE HEALTH DEPARTMENT, ALLOWING THE HEALTH DEPARTMENT TO ACCESS ANY RELEVANT HEALTH CARE, MENTAL HEALTH, DISABILITY, GUARDIANSHIP, AND CRIMINAL JUSTICE RECORDS, INCLUDING COURT ORDERED OR REQUIRED MENTAL HEALTH RECORDS, OF THE APPLICANT FOR USE IN DETERMINING WHETHER THE APPLICANT SHOULD BE RELIEVED FROM A FIREARMS DISQUALIFICATION;

(6) THREE STATEMENTS SIGNED AND DATED WITHIN 30 DAYS OF SUBMISSION TO THE HEALTH DEPARTMENT ON A FORM DESIGNATED BY THE HEALTH DEPARTMENT ATTESTING TO THE APPLICANT'S REPUTATION AND CHARACTER RELEVANT TO FIREARM OWNERSHIP OR POSSESSION INCLUDING:

(I) AT LEAST TWO STATEMENTS PROVIDED BY AN INDIVIDUAL WHO IS NOT RELATED TO THE APPLICANT; AND

(II) CONTACT INFORMATION FOR EACH INDIVIDUAL PROVIDING A STATEMENT; AND

(7) ANY OTHER INFORMATION REQUIRED BY THE HEALTH DEPARTMENT.

(E) THE HEALTH DEPARTMENT MAY NOT APPROVE AN APPLICATION UNDER THIS SECTION IF A DETERMINATION IS MADE THAT:

(1) THE APPLICANT SUPPLIED INCOMPLETE OR FALSE INFORMATION OR MADE A FALSE STATEMENT;

(2) THE APPLICATION IS NOT PROPERLY COMPLETED; OR

(3) ON REVIEW OF THE APPLICATION AND SUPPORTING DOCUMENTATION AND ANY OTHER INFORMATION RELATING TO THE APPLICATION REQUESTED BY THE HEALTH DEPARTMENT, INCLUDING ANY CRIMINAL HISTORY RECORDS AND MENTAL HEALTH RECORDS OF THE APPLICANT, THE APPLICANT HAS NOT SHOWN BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICANT WILL BE UNLIKELY TO ACT IN A MANNER DANGEROUS TO THE APPLICANT OR TO PUBLIC SAFETY AND THAT GRANTING A LICENSE TO POSSESS A REGULATED FIREARM OR AUTHORIZING THE POSSESSION OF A RIFLE OR SHOTGUN WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST.

(F) (1) IF THE HEALTH DEPARTMENT DETERMINES THAT THE APPLICATION SHALL BE APPROVED, THE HEALTH DEPARTMENT SHALL PROVIDE THE APPLICANT WITH A CERTIFICATE AFFIRMING THE APPLICANT'S MENTAL COMPETENCE TO POSSESS A FIREARM.

(2) A CERTIFICATE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION OR A WRITTEN STATEMENT THAT THE INDIVIDUAL IS NOT MENTALLY COMPETENT TO POSSESS A FIREARM SHALL BE PROVIDED TO THE APPLICANT WITHIN 60 DAYS FROM THE HEALTH DEPARTMENT'S RECEIPT OF A COMPLETED APPLICATION, WHICH INCLUDES ANY RECORDS NECESSARY TO REVIEW AN APPLICATION.

(3) A CERTIFICATE ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PRESENTED TO THE DEPARTMENT OF STATE POLICE AS EVIDENCE OF THE APPLICANT'S ELIGIBILITY TO POSSESS A FIREARM.

(G) (1) AN APPLICANT WHO IS AGGRIEVED BY THE ACTION OF THE HEALTH DEPARTMENT UNDER SUBSECTION (E) OF THIS SECTION MAY REQUEST A HEARING IN WRITING TO THE SECRETARY OF HEALTH AND MENTAL HYGIENE WITHIN 30 DAYS AFTER THE HEALTH DEPARTMENT MAILS NOTICE OF THE DECISION TO THE APPLICANT.

(2) (I) THE HEARING REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE WITHIN 60 DAYS AFTER THE HEALTH DEPARTMENT RECEIVES THE REQUEST.

(II) AT THE HEARING, THE INFORMATION DESCRIBED IN SUBSECTIONS (D) AND (E) OF THIS SECTION SHALL BE CONSIDERED AND USED TO DETERMINE WHETHER THE APPLICANT, IF ALLOWED TO POSSESS A FIREARM, WOULD NOT BE LIKELY TO ACT IN A MANNER DANGEROUS TO THE PUBLIC SAFETY AND WHETHER GRANTING THE RELIEF WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST.

(3) (I) JUDICIAL REVIEW OF THE DETERMINATION ON AN APPLICATION UNDER THIS SECTION FOR RELIEF FROM A FIREARMS PROHIBITION MAY BE SOUGHT IN ACCORDANCE WITH §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

(II) NOTWITHSTANDING THE PROVISIONS OF § 10-222 OF THE STATE GOVERNMENT ARTICLE, THE CIRCUIT COURT MAY GIVE DEFERENCE TO THE FINAL DECISION OF THE HEALTH DEPARTMENT AND MAY IN ITS DISCRETION RECEIVE ADDITIONAL EVIDENCE THAT IT DETERMINES TO BE NECESSARY TO CONDUCT AN ADEQUATE REVIEW.

(H) THE BOARD OF REVIEW OF THE HEALTH DEPARTMENT DOES NOT HAVE JURISDICTION TO REVIEW A FINAL DECISION OF THE HEALTH DEPARTMENT UNDER THIS SECTION.

(I) AFTER A DETERMINATION ON THE MERITS OF A HEARING REQUESTED UNDER THIS SECTION, AN APPLICANT MAY NOT REQUEST A SUBSEQUENT HEARING WITHIN 1 YEAR AFTER THE COMPLETION OF THE HEARING PROCESS AND ANY JUDICIAL REVIEW OF THE ADMINISTRATIVE DECISION.

(J) THE SECRETARY OF HEALTH AND MENTAL HYGIENE MAY ADOPT REGULATIONS ESTABLISHING FEES TO COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION.

(K) AN INDIVIDUAL LICENSED IN THE STATE AS A PHYSICIAN WHO IS BOARD CERTIFIED IN PSYCHIATRY, OR A PSYCHOLOGIST WHO, IN GOOD FAITH AND WITH REASONABLE GROUNDS, ACTS IN COMPLIANCE WITH THIS SECTION,

MAY NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR ACTIONS AUTHORIZED BY THIS SECTION.

AMENDMENT NO. 9

On page 43, strike beginning with the comma in line 17 down through “**ANOTHER**” in line 20; and in line 25, strike “**BEFORE OCTOBER 1, 2013, WAS**” and substitute “**HAS BEEN**”.

On pages 43 and 44, strike in their entirety the lines beginning with line 28 on page 43 through line 2 on page 44, inclusive.

On page 44, in lines 3, 5, 8, and 15, strike “**(11)**”, “**(12)**”, “**(13)**”, and “**(14)**”, respectively, and substitute “**(10)**”, “**(11)**”, “**(12)**”, and “**(13)**”, respectively.

AMENDMENT NO. 10

On page 48, after line 13, insert:

“Article – State Government

10-616.

(a) Unless otherwise provided by law, a custodian shall deny inspection of a public record, as provided in this section.

(v) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A CUSTODIAN SHALL DENY INSPECTION OF ALL RECORDS OF A PERSON AUTHORIZED TO:

(i) SELL, PURCHASE, RENT, OR TRANSFER A REGULATED FIREARM UNDER TITLE 5, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE; OR

(II) CARRY, WEAR, OR TRANSPORT A HANDGUN UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

(2) A CUSTODIAN SHALL ALLOW INSPECTION OF FIREARM OR HANDGUN RECORDS BY:

(I) THE INDIVIDUAL NAMED IN THE RECORD; OR

(II) THE ATTORNEY OF RECORD OF THE INDIVIDUAL NAMED IN THE RECORD.

(3) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE DEPARTMENT OF STATE POLICE OR THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FROM ACCESSING FIREARM OR HANDGUN RECORDS IN THE PERFORMANCE OF THAT DEPARTMENT'S OFFICIAL DUTY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013:

(a) The Department of State Police shall investigate illegal transfers, possession, and transport of firearms within the State, including the number and types of firearms seized by the Department of State Police and the best information available as to the source of the seized firearms.

(b) On or before December 31, 2015, the Department of State Police shall report its findings to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”;

in line 14, strike “2.” and substitute “3.”; and in line 15, after the period insert “Section 2 of this Act shall remain effective for a period of 3 years and, at the end of September

(Over)

30, 2016, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.

AMENDMENT NO. 11

On page 9, in line 5, after the comma insert “MEMBERS OF THE MARYLAND DEFENSE FORCE,”.

On page 20, in line 23, strike “OR”; in line 25, strike “OR” and substitute a comma; and in the same line, after “GUARD” insert “, OR THE MARYLAND DEFENSE FORCE; OR”

(4) A PERSON PURCHASING, RENTING, OR RECEIVING AN ANTIQUE, CURIO, OR RELIC FIREARM, AS DEFINED IN FEDERAL LAW OR IN DETERMINATIONS PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES”.

On page 21, in line 10, strike “OR” and substitute a comma; in the same line, after “GUARD” insert “, OR THE MARYLAND DEFENSE FORCE”; in line 17, after “(1)” insert “(I)”; and in the same line, after “OLD;” insert “OR”

(II) IS AT LEAST 18 YEARS OLD IF THE PERSON IS A MEMBER OF THE UNITED STATES ARMED FORCES, THE NATIONAL GUARD, OR THE MARYLAND DEFENSE FORCE;”.

On page 26, in line 14, after “(i)” insert “1.”; in the same line, after “old;” insert “OR”

2. IS AT LEAST 18 YEARS OLD IF THE FIREARM APPLICANT IS A MEMBER OF THE UNITED STATES ARMED FORCES, THE NATIONAL GUARD, OR THE MARYLAND DEFENSE FORCE;”;

and in line 24, strike “THEMSELVES” and substitute “THE FIREARM APPLICANT”.

On page 32, in line 9, strike “while performing official duties”.

AMENDMENT NO. 12

On page 19, after line 29, insert:

“(b) If the Secretary disapproves an application for a dealer’s license, the Secretary shall notify the applicant in writing of:

- (1) the disapproval OF THE APPLICATION; AND
- (2) THE REASON THE APPLICATION WAS DENIED.”.

On page 24, in line 22, after “CONTAINS” insert “:

- (I) THE REASON THE APPLICATION WAS DENIED; AND
- (II)”.

AMENDMENT NO. 13

On page 21, in line 8, strike “OR”; and in line 11, strike “AND” and substitute “OR

(IV) IS PURCHASING, RENTING, OR RECEIVING AN ANTIQUE, CURIO, OR RELIC FIREARM, AS DEFINED IN FEDERAL LAW OR IN DETERMINATIONS PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; AND”.

AMENDMENT NO. 14

(Over)

On page 9, in line 24, after “inheritance” insert “, AND POSSESSION OF THE INHERITED ASSAULT WEAPON OR DETACHABLE MAGAZINE,”; and in line 24, after “WEAPON” insert “OR DETACHABLE MAGAZINE AND THE PERSON INHERITING THE ASSAULT WEAPON OR DETACHABLE MAGAZINE IS NOT OTHERWISE DISQUALIFIED FROM POSSESSING A REGULATED FIREARM”.

AMENDMENT NO. 15

On page 27, in line 21, after “ARTICLE” insert “, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY”.

On page 30, in line 22, after “ARTICLE” insert “, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY”.

On page 33, in line 25, after “GUARDIAN” insert “, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY”.

On page 44, in line 7, after “ARTICLE” insert “, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY”.

AMENDMENT NO. 16

On page 40, in line 16, strike “THE” and substitute “EACH”; in line 22, strike “EACH” and substitute “AN”; in line 23, after “NONREFUNDABLE” insert “TOTAL”; and in line 24, after “\$15” insert “, REGARDLESS OF THE NUMBER OF FIREARMS REGISTERED”.

AMENDMENT NO. 17

On page 14, after line 16, insert:

“(B-1)(1) “CONVICTED OF A DISQUALIFYING CRIME” INCLUDES:

(I) A CASE IN WHICH A PERSON RECEIVED PROBATION BEFORE JUDGMENT FOR A CRIME OF VIOLENCE; AND

(II) A CASE IN WHICH A PERSON RECEIVED PROBATION BEFORE JUDGMENT IN A DOMESTICALLY RELATED CRIME AS DEFINED IN § 6-233 OF THE CRIMINAL PROCEDURE ARTICLE.

(2) “CONVICTED OF A DISQUALIFYING CRIME” DOES NOT INCLUDE A CASE IN WHICH A PERSON RECEIVED A PROBATION BEFORE JUDGMENT FOR ASSAULT IN THE SECOND DEGREE.”.