

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, and Jones-Rodwell”; strike beginning with “authorizing” in line 7 down through “weapons” in line 9 and substitute “providing that certain prohibitions relating to certain assault weapons and detachable magazines do not apply to certain persons”; in line 11, after the semicolon insert “providing that certain registration requirements for certain assault weapons do not apply under certain circumstances;”; in line 18, after “circumstances;” insert “requiring the Secretary of State Police to disapprove an application for a State-regulated firearms dealer’s license if the Secretary determines that the applicant intends a certain person to participate or hold a certain interest in the management or operation of the business for which the license is sought; requiring that the Secretary suspend a dealer’s license if the licensee is not in compliance with certain record keeping and reporting requirements;”; in line 21, strike “of State Police” and substitute “or certain credentials or identification”; in the same line, before “establishing” insert “providing for certain exceptions to the requirement to present and possess a certain handgun qualification license under certain circumstances;”; and in line 25, after “circumstances;” insert “establishing certain requirements and procedures for the issuance of a replacement handgun qualification license under certain circumstances;”.

On page 2, in line 1, after “circumstances;” insert “altering the information required in a certain statement for a certain firearm application;”; in line 15, after “manner;” insert “requiring that a licensed dealer keep records of all receipts, sales, and other dispositions of firearms affected in connection with the licensed dealer’s business; requiring the Secretary to adopt certain regulations specifying certain information; requiring that the records that licensed dealers maintain include certain information; specifying certain record keeping requirements to be met when a firearms business is discontinued; requiring that a licensee respond in a certain way after

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receipt of a request from the Secretary for certain information; authorizing the Secretary to implement a system by which a certain person may request certain information; requiring the Secretary to inspect the inventory and records of a licensed dealer under certain circumstances; authorizing the Secretary to conduct a certain inspection during a certain time;”; in line 20, after “circumstances;” insert “authorizing the Secretary to issue a certain handgun qualification license without an additional application or fee under certain circumstances;”; in line 24, after “4-306” insert “to be under the amended subtitle “Subtitle 3. Assault Weapons and Detachable Magazines””; in line 34, after “5-101,” insert “5-110(a), 5-114(a), 5-115.”; and in line 40, strike “and 5-143” and substitute “5-143, and 5-145”.

AMENDMENT NO. 2

On page 4, after line 34, insert:

“Subtitle 3. Assault [Pistols]WEAPONS and Detachable Magazines.”.

On page 6, in lines 5 and 18, in each instance, after “ANY” insert “TWO”.

AMENDMENT NO. 3

On page 8, in line 8, strike the second “or”; in line 9, before the semicolon, insert “, OR A RAILROAD POLICE OFFICER AUTHORIZED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE OR 49 U.S.C. § 28101”; in line 11, before “purchases,” insert “POSSESSION,”; in line 22, strike “or”; and in line 25, after “estate” insert “; OR

(7) POSSESSION BY A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE STATE OR A LOCAL UNIT IN THE STATE AND IS NOT OTHERWISE PROHIBITED FROM RECEIVING AN ASSAULT WEAPON OR DETACHABLE MAGAZINE IF:

(I) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE IS SOLD OR TRANSFERRED TO THE PERSON BY THE LAW ENFORCEMENT AGENCY ON RETIREMENT; OR

(II) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE WAS PURCHASED OR OBTAINED BY THE PERSON FOR OFFICIAL USE WITH THE LAW ENFORCEMENT AGENCY BEFORE RETIREMENT”.

AMENDMENT NO. 4

On page 9, strike beginning with “A” in line 10 down through “(3)” in line 14 and substitute “(I)”; in line 18, strike “(I)” and substitute “1.”; in line 20, strike “(II)” and substitute “2.”; and after line 27, insert:

“(II) A PERSON WHO PURCHASED AN ASSAULT LONG GUN BEFORE OCTOBER 1, 2013, AND REGISTERED THE ASSAULT LONG GUN WITH THE SECRETARY OF STATE POLICE IS NOT REQUIRED TO REREGISTER THE ASSAULT LONG GUN UNDER THIS SUBSECTION.”.

AMENDMENT NO. 5

On page 16, after line 11, insert:

“5-110.

(a) The Secretary shall disapprove an application for a dealer’s license if:

(1) the Secretary determines that the applicant supplied false information or made a false statement;

(2) the Secretary determines that the application is not properly completed; [or]

(3) the Secretary receives a written notification from the applicant's licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another; OR

(4) THE SECRETARY DETERMINES THAT THE APPLICANT INTENDS THAT A PERSON WHO IS NOT ELIGIBLE TO BE ISSUED A DEALER'S LICENSE OR WHOSE DEALER'S LICENSE HAS BEEN REVOKED OR SUSPENDED:

(I) WILL PARTICIPATE IN THE MANAGEMENT OR OPERATION OF THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT; OR

(II) HOLDS A LEGAL OR EQUITABLE INTEREST IN THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT.

5-114.

(a) The Secretary shall suspend a dealer's license if the licensee:

(1) is under indictment for a crime of violence; [or]

(2) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; OR

(3) IS NOT IN COMPLIANCE WITH THE RECORD KEEPING AND REPORTING REQUIREMENTS OF § 5-145 OF THIS SUBTITLE.

5-115.

(a) (1) A person whose dealer's license is suspended or revoked OR WHO IS FINED FOR A VIOLATION OF THIS SUBTITLE and who is aggrieved by the action

of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.”.

On page 34, after line 4, insert:

“5-145.

(A) (1) A LICENSED DEALER SHALL KEEP RECORDS OF ALL RECEIPTS, SALES, AND OTHER DISPOSITIONS OF FIREARMS AFFECTED IN CONNECTION WITH THE LICENSED DEALER’S BUSINESS.

(2) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING:

(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE INFORMATION THAT THE RECORDS SHALL CONTAIN;

(II) THE TIME PERIOD FOR WHICH THE RECORDS ARE TO BE KEPT; AND

(III) THE FORM IN WHICH THE RECORDS ARE TO BE KEPT.

(3) THE RECORDS SHALL INCLUDE:

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(I) THE NAME AND ADDRESS OF EACH PERSON FROM WHOM THE DEALER ACQUIRES A FIREARM AND TO WHOM THE DEALER SELLS OR OTHERWISE DISPOSES OF A FIREARM;

(II) A PRECISE DESCRIPTION, INCLUDING MAKE, MODEL, CALIBER, AND SERIAL NUMBER OF EACH FIREARM ACQUIRED, SOLD, OR OTHERWISE DISPOSED OF; AND

(III) THE DATE OF EACH ACQUISITION, SALE, OR OTHER DISPOSITION.

(4) THE SECRETARY MAY PROVIDE THAT RECORDS MAINTAINED UNDER 18 U.S.C. § 923(G)(1)(A) MAY BE USED TO SATISFY THE REQUIREMENTS OF THIS SECTION.

(B) (1) WHEN REQUIRED BY A LETTER ISSUED BY THE SECRETARY, A LICENSEE SHALL SUBMIT TO THE SECRETARY THE INFORMATION REQUIRED TO BE KEPT UNDER SUBSECTION (A) OF THIS SECTION FOR THE TIME PERIODS SPECIFIED BY THE SECRETARY.

(2) THE SECRETARY SHALL DETERMINE THE FORM AND METHOD BY WHICH THE RECORDS SHALL BE MAINTAINED.

(C) WHEN A FIREARMS BUSINESS IS DISCONTINUED AND SUCCEEDED BY A NEW LICENSEE, THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION SHALL REFLECT THE BUSINESS DISCONTINUANCE AND SUCCESSION AND SHALL BE DELIVERED TO THE SUCCESSOR LICENSEE.

(D) (1) A LICENSEE SHALL RESPOND WITHIN 48 HOURS AFTER RECEIPT OF A REQUEST FROM THE SECRETARY FOR INFORMATION CONTAINED

IN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION WHEN THE INFORMATION IS REQUESTED IN CONNECTION WITH A BONA FIDE CRIMINAL INVESTIGATION.

(2) THE INFORMATION REQUESTED UNDER THIS SUBSECTION SHALL BE PROVIDED ORALLY OR IN WRITING, AS REQUIRED BY THE SECRETARY.

(3) THE SECRETARY MAY IMPLEMENT A SYSTEM BY WHICH A LICENSEE CAN POSITIVELY ESTABLISH THAT A PERSON REQUESTING INFORMATION BY TELEPHONE IS AUTHORIZED BY THE SECRETARY TO REQUEST THE INFORMATION.

(E) THE SECRETARY MAY MAKE AVAILABLE TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY ANY INFORMATION THAT THE SECRETARY OBTAINS UNDER THIS SECTION RELATING TO THE IDENTITIES OF PERSONS WHO HAVE UNLAWFULLY PURCHASED OR RECEIVED FIREARMS.

(F) THE SECRETARY:

(1) SHALL INSPECT THE INVENTORY AND RECORDS OF A LICENSED DEALER AT LEAST ONCE EVERY 2 YEARS; AND

(2) MAY INSPECT THE INVENTORY AND RECORDS AT ANY TIME DURING THE NORMAL BUSINESS HOURS OF THE LICENSED DEALER'S BUSINESS.

(G) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

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(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

AMENDMENT NO. 6

On page 16, before line 13, insert:

“(A) THIS SECTION DOES NOT APPLY TO:

(1) A LICENSED FIREARMS MANUFACTURER;

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

(3) A MEMBER OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD.”;

in lines 13, 19, and 26, strike “(A)”, “(B)”, and “(C)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; in line 16, strike “REGULATED FIREARM” and substitute “HANDGUN”; in line 21, after “(1)” insert “(I)”; in line 23, strike “AND”; after line 23, insert:

“(II) POSSESSES VALID CREDENTIALS FROM A LAW ENFORCEMENT AGENCY OR RETIREMENT CREDENTIALS FROM A LAW ENFORCEMENT AGENCY; OR

(III) IS AN ACTIVE OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD AND POSSESSES A VALID MILITARY IDENTIFICATION CARD; AND”;

and in line 26, strike “(E) AND (F)” and substitute “(F) AND (G)”.

On page 17, in lines 1, 15, 17, and 24, strike “(D)”, “(D)”, “(C)”, and “(E)”, respectively, and substitute “(E)”, “(E)”, “(D)”, and “(F)”, respectively; strike beginning with “IS” in line 18 down through “(3)” in line 22; and in line 23, after “SECRETARY” insert “; OR”

(2) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

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

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

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

On page 19, in lines 1, 13, 18, 20, 27, and 30 strike “(F)”, “(G)”, “(J)”, “(H)”, “(I)”, and “(C)”, respectively, and substitute “(G)”, “(H)”, “(L)”, “(I)”, “(K)”, and “(D)”, respectively.

On page 20, in line 5, strike “(J)” and substitute “(L)”.

AMENDMENT NO. 7

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On page 17, in line 5, strike “8” and substitute “4”; and strike beginning with “IN” in line 27 down through “CHECK” in line 29 and substitute “THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A HANDGUN QUALIFICATION LICENSE”.

On page 18, in line 2, strike “APPLICANT” and substitute “SECRETARY”; and in line 4, strike “TWO COMPLETE SETS” and substitute “A COMPLETE SET”.

AMENDMENT NO. 8

On page 19, in line 3, after the first “THE” insert “MANNER AND”; in line 5, strike “OF \$100” and substitute “TO COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$50”; in line 7, after “SECRETARY” insert “OR A VALID FIREARMS INSTRUCTOR CERTIFICATION”; in line 20, strike “(1)”; in line 22, strike “(2)” and substitute “(J) (1)”; and strike beginning with “POSSESSES” in line 24 down through “SECTION” in line 26, and substitute “:

(I) POSSESSES THE QUALIFICATIONS FOR THE ISSUANCE OF THE HANDGUN QUALIFICATION LICENSE; AND

(II) SUBMITS A NONREFUNDABLE APPLICATION FEE TO COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$20.

(2) AN APPLICANT RENEWING A HANDGUN QUALIFICATION LICENSE UNDER THIS SUBSECTION IS NOT REQUIRED TO:

(I) COMPLETE THE FIREARMS SAFETY TRAINING COURSE REQUIRED IN SUBSECTION (D)(3) OF THIS SECTION; OR

(II) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK AS REQUIRED IN SUBSECTION (F) OF THIS SECTION".

AMENDMENT NO. 9

On page 19, in lines 21 and 23, in each instance, strike "5" and substitute "10".

AMENDMENT NO. 10

On page 20, after line 18, insert:

"(M) (1) IF AN ORIGINAL OR RENEWAL HANDGUN QUALIFICATION LICENSE IS LOST OR STOLEN, A PERSON MAY SUBMIT A WRITTEN REQUEST TO THE SECRETARY FOR A REPLACEMENT LICENSE.

(2) UNLESS THE APPLICANT IS OTHERWISE DISQUALIFIED, THE SECRETARY SHALL ISSUE A REPLACEMENT HANDGUN QUALIFICATION LICENSE ON RECEIPT OF A WRITTEN REQUEST AND A NONREFUNDABLE FEE TO COVER THE COST OF REPLACEMENT UP TO \$20.".

AMENDMENT NO. 11

On page 22, in line 11, before "copy" insert "A".

On page 26, in line 5, after "5-133" insert "(B) OR (C)".

AMENDMENT NO. 12

On page 21, after line 2, insert:

"(VII) DOES NOT SUFFER FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAVE A HISTORY OF VIOLENT BEHAVIOR AGAINST THEMSELVES OR ANOTHER; ";

in line 3, strike “(vii)” and substitute “(VIII)”; strike beginning with “spent” in line 3 down through “Article” in line 9 and substitute “BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;”

(IX) HAS NEVER BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(X) HAS NEVER BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(XI) HAS NEVER BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(XII) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;

(XIII) IS NOT A RESPONDENT AGAINST WHOM:

1. A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

2. AN ORDER FOR PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT”;

and in line 10, strike “(ix)” and substitute “(XIV)”.

On page 23, in line 5, strike the bracket; strike beginning with the comma in line 7 down through the bracket in line 8 and substitute “;

(7)”;

in line 13, strike “[confined” and substitute “**VOLUNTARILY ADMITTED**”; strike beginning with the fourth bracket in line 13 down through “IN” in line 14; in line 16, strike “AND:” and substitute “;”; in line 17, strike “(I)” and substitute “**(10)**”; strike beginning with “A” in line 17 down through “OTHERS” in line 21 and substitute “**INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE**”; and in lines 11, 13, 22, and 25, strike “(7)”, “(8)”, “(9)”, and “(10)”, respectively, and substitute “**(8)**”, “**(9)**”, “**(11)**”, and “**(12)**”, respectively.

On page 24, in line 1, strike “(11)” and substitute “**(13)**”.

AMENDMENT NO. 13

On page 27, in line 11, strike “OR COMMITTED”; and strike beginning with “IN” in line 13 down through “OTHERS” in line 16 and substitute “**THE PERSON HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY**”.

AMENDMENT NO. 14

On page 28, strike beginning with “AND” in line 20 down through “PSYCHOLOGY” in line 21.

AMENDMENT NO. 15

On page 27 in line 29, on page 28 in line 14, and on page 32 in line 16, in each instance, strike “OR (9)” and substitute “**(9), (10), OR (11)**”.

On page 29, in line 1, strike “FIREARM” and substitute “HANDGUN”; in line 2, strike “§ 5-117” and substitute “§ 5-117.1”; in line 8, after the second “THE” insert “DISQUALIFICATION AND HEARING”; in line 22, strike “§ 5-133(B)(9)” and substitute “§ 5-133(B)(11)”; and in line 32, strike “OR (8)” and substitute “(8), (9), OR (10)”.

On page 32, in line 22, after “THE” insert “HEALTH”.

AMENDMENT NO. 16

On page 32, in line 18, strike “STATE POLICE” and substitute “PUBLIC SAFETY AND CORRECTIONAL SERVICES”.

AMENDMENT NO. 17

On page 36, in line 28, after “(I)” insert “1. FOR AN INITIAL APPLICATION,”; and in line 29, after “INSTRUCTOR;” insert “OR

2. FOR A RENEWAL APPLICATION, 8 HOURS OF INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR;”.

AMENDMENT NO. 18

On page 34, after line 18, insert:

“(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;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(9) HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

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

(11) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;”;

in line 19, strike “(6)” and substitute “(12) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,”; and in line 25, strike “(7)” and substitute “(13)”.

AMENDMENT NO. 19

On page 37, in line 17, after “OFFICER” insert “OR A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY”; in line 19, after “MEMBER” insert “OR RETIRED MEMBER”; in line 20, strike “OR”; after line 20, insert:

“(3) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

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

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

(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION; OR”;

and in line 21, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 20

On page 38, after line 4, insert:

“(D) THE SECRETARY MAY ISSUE A HANDGUN QUALIFICATION LICENSE, WITHOUT AN ADDITIONAL APPLICATION OR FEE, TO A PERSON WHO:

(1) MEETS THE REQUIREMENTS FOR ISSUANCE OF A PERMIT UNDER THIS SECTION; AND

(2) DOES NOT HAVE A HANDGUN QUALIFICATION LICENSE ISSUED UNDER § 5-117.1 OF THIS TITLE.”.