

HOUSE BILL 961

P3, P1, E4

3lr2038

By: **Delegates McDermott, Afzali, Cluster, Conaway, Hershey, Hough, Jacobs, K. Kelly, McComas, Otto, Ready, and Smigiel**

Introduced and read first time: February 7, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Maryland Public Information Act – Required Denials**
3 **Regarding Firearm Dealers, Owners, and Permit Holders**

4 FOR the purpose of prohibiting public inspection of the records of certain regulated
5 firearm dealers, owners, or permit holders; authorizing the individual named in
6 the record and the individual's attorney to view certain records; providing that
7 this Act does not prohibit the Department of Public Safety and Correctional
8 Services and the Department of State Police from accessing certain records in
9 the performance of official duties; and generally relating to confidentiality of
10 records of regulated firearm dealers, owners, and permit holders.

11 BY repealing and reenacting, without amendments,
12 Article – State Government
13 Section 10–616(a)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2012 Supplement)

16 BY adding to
17 Article – State Government
18 Section 10–616(v)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2012 Supplement)

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

23 **Article – State Government**

24 10–616.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

12 (i) THE INDIVIDUAL NAMED IN THE RECORD; OR

13 (ii) THE ATTORNEY OF RECORD OF THE INDIVIDUAL NAMED
14 IN THE RECORD.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2013.