HOUSE BILL 1457

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By: Delegate Clippinger

Introduced and read first time: February 21, 2013 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

Public Safety - Regulated Firearm Application - Required Information and Warnings

4 FOR the purpose of requiring a regulated firearm application to contain a certain $\mathbf{5}$ statement relating to possession of a regulated firearm; requiring a certain 6 licensed dealer or officer of a designated law enforcement agency, before 7 accepting a certain application, to read aloud and initial certain requirements and applicable regulations and ensure that the applicant initials the 8 9 requirements and regulations; establishing certain penalties for a certain violation; and generally relating to required information and warnings in 10 regulated firearms applications. 11

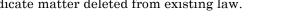
- 12 BY repealing and reenacting, with amendments,
- 13 Article Public Safety
- 14 Section 5–118
- 15 Annotated Code of Maryland
- 16 (2011 Replacement Volume and 2012 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 18 MARYLAND, That the Laws of Maryland read as follows:

- 19 Article Public Safety
- $20 \quad 5-118.$
- 21 (a) A firearm applicant shall:

(1) submit to a licensee or designated law enforcement agency a
firearm application on the form that the Secretary provides; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.





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 $\mathbf{2}$ HOUSE BILL 1457 1 pay to the licensee or designated law enforcement agency an (2) $\mathbf{2}$ application fee of \$10. A firearm application shall contain: 3 (b) 4 the firearm applicant's name, address, Social Security number, (1)place and date of birth, height, weight, race, eye and hair color, signature, driver's or $\mathbf{5}$ 6 photographic identification soundex number, occupation, and regulated firearm 7information for each regulated firearm to be purchased, rented, or transferred; 8 (2)the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor; and 9 10 (3)a statement by the firearm applicant under the penalty of perjury that the firearm applicant: 11 12(i) is at least 21 years old; 13has never been convicted of a disqualifying crime; (ii) has never been convicted of a violation classified as a 14(iii) 15common law crime and received a term of imprisonment of more than 2 years; 16 (iv) is not a fugitive from justice; 17is not a habitual drunkard; (v) 18 (vi) is not addicted to a controlled dangerous substance or is not 19a habitual user; 20(vii) has never spent more than 30 consecutive days in a medical 21institution for treatment of a mental disorder, unless a physician's certificate issued 22within 30 days before the date of application is attached to the application, certifying that the firearm applicant is capable of possessing a regulated firearm without undue 2324danger to the firearm applicant or to another; 25(viii) is not a respondent against whom a current non ex parte 26civil protective order has been entered under § 4–506 of the Family Law Article;

27if under the age of 30 years at the time of application, has (ix) 28not been adjudicated delinquent by a juvenile court for an act that would be a 29disqualifying crime if committed by an adult; [and]

30 subject to § 5–119 of this subtitle, has completed a certified (x) firearms safety training course that the Police Training Commission conducts without 3132charge or that meets the standards that the Police Training Commission establishes under § 3-207 of this article; AND 33

1 (XI) IS AWARE THAT A PERSON MAY NOT POSSESS A $\mathbf{2}$ REGULATED FIREARM IF, AFTER ACQUIRING THE REGULATED FIREARM, THE PERSON BECOMES DISQUALIFIED UNDER § 5–133(B) OF THIS SUBTITLE. 3 4 (c) Each firearm application shall contain the following statement: "Any false information supplied or statement made in this application is a crime which may $\mathbf{5}$ 6 be punished by imprisonment for a period of not more than 3 years, or a fine of not 7 more than \$5,000, or both.". 8 If the firearm applicant is a corporation, a corporate officer who is a (d) 9 resident of the State shall complete and execute the firearm application. 10 (1) BEFORE A LICENSEE OR OFFICER OF A DESIGNATED LAW **(E)** 11 ENFORCEMENT AGENCY ACCEPTS A FIREARM APPLICATION SUBMITTED UNDER 12SUBSECTION (A) OF THIS SECTION, THE LICENSEE OR OFFICER SHALL: 13**(I)** IN THE PRESENCE OF THE FIREARM APPLICANT, READ 14ALOUD AND INITIAL EACH REQUIREMENT OF THE APPLICATION LISTED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION AND ANY APPLICABLE REGULATION; 1516 AND 17**(II)** ENSURE THAT THE FIREARM APPLICANT INITIALS EACH 18**REQUIREMENT AND REGULATION.** 19 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS 20SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT 21TO: 22**(I)** FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND 2324**(II)** FOR SECOND SUBSEQUENT Α OR OFFENSE, 25IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR 26BOTH. 27SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 28October 1, 2013.