

SENATE BILL 281

E4

3lr0154
CF HB 294

By: **The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, ~~and Zirkin~~ Zirkin, ~~and Jones Rodwell~~ Jones-Rodwell, and McFadden**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 27, 2013

CHAPTER _____

1 AN ACT concerning

2 **Firearm Safety Act of 2013**

3 FOR the purpose of altering the authorization for a person to wear, carry, or transport
4 a handgun to be within certain limitations; designating certain firearms as
5 assault weapons; prohibiting, with certain exceptions, a person from
6 transporting an assault weapon into the State or possessing, selling, offering to
7 sell, transferring, purchasing, or receiving an assault weapon; ~~authorizing~~
8 ~~certain licensed firearms dealers to continue to possess, sell, offer for sale, or~~
9 ~~transfer assault long guns or copycat weapons~~ providing that certain
10 prohibitions relating to certain assault weapons and detachable magazines do
11 not apply to certain persons under certain circumstances; authorizing a person
12 to transport certain assault weapons under certain circumstances; authorizing
13 certain persons to continue to possess assault long guns or copycat weapons
14 under certain circumstances; providing that certain registration requirements
15 for certain assault weapons do not apply under certain circumstances; altering
16 the maximum capacity of rounds of ammunition allowable to be manufactured,
17 sold, offered for sale, purchased, received, or transferred for a firearm; making it
18 a misdemeanor to use an assault long gun or a copycat weapon or a magazine
19 that exceeds a certain maximum capacity of rounds of ammunition in the
20 commission of a felony or a crime of violence; requiring a certain hearing officer,
21 after making a certain determination, to order certain individuals to surrender

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 or consign firearms in the individual's possession under certain circumstances;
2 prohibiting an individual, while hunting for any wild bird or mammal, from
3 shooting or discharging a firearm within a certain distance of a public or
4 nonpublic school during certain times; requiring the Secretary of State Police to
5 disapprove an application for a State-regulated firearms dealer's license if the
6 Secretary determines that the applicant intends a certain person to participate
7 or hold a certain interest in the management or operation of the business for
8 which the license is sought; requiring that the Secretary suspend a dealer's
9 license if the licensee is not in compliance with certain record keeping and
10 reporting requirements; prohibiting a certain person from selling, purchasing,
11 renting, transferring, or receiving a certain regulated firearm unless the person
12 presents or possesses a certain handgun qualification license issued by the
13 Secretary of State Police or certain credentials or identification; providing for
14 certain exceptions to the requirement to present and possess a certain handgun
15 qualification license under certain circumstances; establishing certain
16 requirements and procedures for the issuance and renewal of a certain handgun
17 qualification license; authorizing the Secretary to revoke a certain handgun
18 qualification license under certain circumstances; requiring a certain person to
19 return a certain handgun qualification license under certain circumstances;
20 establishing certain requirements and procedures for the issuance of a
21 replacement handgun qualification license under certain circumstances;
22 requiring certain fees; requiring a certain licensee or designated law
23 enforcement agency to transfer a certain firearm application to the Secretary in
24 an electronic format; authorizing a certain hearing for a certain aggrieved
25 person under certain circumstances; altering the information required in a
26 certain statement for a certain firearm application; altering the circumstances
27 under which a person is prohibited from possessing a certain regulated firearm;
28 making it a misdemeanor for a certain person to possess certain ammunition if
29 the person is prohibited from possessing a certain firearm under certain
30 circumstances; establishing certain penalties; requiring certain persons to
31 provide certain data about a certain person to a certain federal index in a
32 certain manner under certain circumstances; authorizing a certain person who
33 is subject to certain prohibitions from possessing certain firearms to apply for
34 certain relief from certain prohibitions under certain circumstances;
35 establishing the procedures and requirements for a person who is subject to
36 certain prohibitions on the possession of certain firearms to apply for certain
37 relief for certain prohibitions; requiring certain persons to enter into a certain
38 memorandum of understanding; requiring a person who moves into the State
39 for the purpose of establishing residency to register certain firearms within a
40 certain time period with the Secretary in a certain manner; requiring that a
41 licensed dealer keep records of all receipts, sales, and other dispositions of
42 firearms affected in connection with the licensed dealer's business; requiring the
43 Secretary to adopt certain regulations specifying certain information; requiring
44 that the records that licensed dealers maintain include certain information;
45 specifying certain record keeping requirements to be met when a firearms
46 business is discontinued; requiring that a licensee respond in a certain way
47 after receipt of a request from the Secretary for certain information; authorizing

1 the Secretary to implement a system by which a certain person may request
 2 certain information; requiring the Secretary to inspect the inventory and
 3 records of a licensed dealer under certain circumstances; authorizing the
 4 Secretary to conduct a certain inspection during a certain time; providing that
 5 certain information is not open to public inspection; prohibiting a certain person
 6 from possessing a rifle or shotgun under certain circumstances; ~~repealing a~~
 7 provision of law that prohibits a certain person from possessing a rifle or
 8 shotgun unless the person possesses a certain physician's certificate; requiring a
 9 certain applicant for a certain firearm permit to complete a certain firearm
 10 training course under certain circumstances; exempting a certain applicant for
 11 a permit from a certain training requirement under certain circumstances;
 12 authorizing the Secretary to issue a certain handgun qualification license
 13 without an additional application or fee under certain circumstances; defining
 14 certain terms; and generally relating to firearms.

15 BY repealing and reenacting, with amendments,
 16 Article – Criminal Law
 17 Section 4–203(b) and 4–301 through 4–306 to be under the amended subtitle
 18 “Subtitle 3. Assault Weapons and Detachable Magazines”
 19 Annotated Code of Maryland
 20 (2012 Replacement Volume and 2012 Supplement)

21 BY adding to
 22 Article – Health – General
 23 Section 10–632(g)
 24 Annotated Code of Maryland
 25 (2009 Replacement Volume and 2012 Supplement)

26 BY repealing and reenacting, with amendments,
 27 Article – Natural Resources
 28 Section 10–410(g)
 29 Annotated Code of Maryland
 30 (2012 Replacement Volume)

31 BY repealing and reenacting, with amendments,
 32 Article – Public Safety
 33 Section 5–101, 5–110(a), 5–114(a), 5–115, 5–118(b)(2) and (3), 5–120, 5–133,
 34 5–143, 5–205, 5–206, 5–301, and 5–306
 35 Annotated Code of Maryland
 36 (2011 Replacement Volume and 2012 Supplement)

37 BY adding to
 38 Article – Public Safety
 39 Section 5–117.1, 5–118(b)(4), 5–133.1, 5–133.2, 5–133.3, ~~and 5–143~~ 5–143, and
 40 5–145
 41 Annotated Code of Maryland
 42 (2011 Replacement Volume and 2012 Supplement)

1 BY repealing
2 Article – Public Safety
3 Section 5–119
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2012 Supplement)

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

8 **Article – Criminal Law**

9 4–203.

10 (b) This section does not prohibit:

11 (1) the wearing, carrying, or transporting of a handgun by a person
12 who [is on active assignment engaged in law enforcement,] is authorized at the time
13 and under the circumstances to wear, carry, or transport the handgun as part of the
14 person’s official equipment, and is:

15 (i) a law enforcement official of the United States, the State, or
16 a county or city of the State;

17 (ii) a member of the armed forces of the United States or of the
18 National Guard on duty or traveling to or from duty;

19 (iii) a law enforcement official of another state or subdivision of
20 another state temporarily in this State on official business;

21 (iv) a correctional officer or warden of a correctional facility in
22 the State;

23 (v) a sheriff or full–time assistant or deputy sheriff of the State;
24 or

25 (vi) a temporary or part–time sheriff’s deputy;

26 (2) the wearing, carrying, or transporting of a handgun, **IN**
27 **COMPLIANCE WITH ANY LIMITATIONS IMPOSED UNDER § 5–307 OF THE PUBLIC**
28 **SAFETY ARTICLE**, by a person to whom a permit to wear, carry, or transport the
29 handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

30 (3) the carrying of a handgun on the person or in a vehicle while the
31 person is transporting the handgun to or from the place of legal purchase or sale, or to
32 or from a bona fide repair shop, or between bona fide residences of the person, or
33 between the bona fide residence and place of business of the person, if the business is

1 operated and owned substantially by the person if each handgun is unloaded and
2 carried in an enclosed case or an enclosed holster;

3 (4) the wearing, carrying, or transporting by a person of a handgun
4 used in connection with an organized military activity, a target shoot, formal or
5 informal target practice, sport shooting event, hunting, a Department of Natural
6 Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience
7 training class or show, while the person is engaged in, on the way to, or returning from
8 that activity if each handgun is unloaded and carried in an enclosed case or an
9 enclosed holster;

10 (5) the moving by a bona fide gun collector of part or all of the
11 collector’s gun collection from place to place for public or private exhibition if each
12 handgun is unloaded and carried in an enclosed case or an enclosed holster;

13 (6) the wearing, carrying, or transporting of a handgun by a person on
14 real estate that the person owns or leases or where the person resides or within the
15 confines of a business establishment that the person owns or leases;

16 (7) the wearing, carrying, or transporting of a handgun by a
17 supervisory employee:

18 (i) in the course of employment;

19 (ii) within the confines of the business establishment in which
20 the supervisory employee is employed; and

21 (iii) when so authorized by the owner or manager of the business
22 establishment;

23 (8) the carrying or transporting of a signal pistol or other visual
24 distress signal approved by the United States Coast Guard in a vessel on the
25 waterways of the State or, if the signal pistol or other visual distress signal is
26 unloaded and carried in an enclosed case, in a vehicle; or

27 (9) the wearing, carrying, or transporting of a handgun by a person
28 who is carrying a court order requiring the surrender of the handgun, if:

29 (i) the handgun is unloaded;

30 (ii) the person has notified the law enforcement unit, barracks,
31 or station that the handgun is being transported in accordance with the court order;
32 and

33 (iii) the person transports the handgun directly to the law
34 enforcement unit, barracks, or station.

1 Subtitle 3. Assault [Pistols] WEAPONS and Detachable Magazines.

2 4–301.

3 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) “ASSAULT LONG GUN” MEANS ANY ASSAULT WEAPON LISTED**
6 **UNDER § 5–101(R)(2) OF THE PUBLIC SAFETY ARTICLE.**

7 **(C) [In this subtitle, “assault] “ASSAULT pistol” means any of the following**
8 **firearms [or a copy regardless of the producer or manufacturer]:**

9 (1) AA Arms AP–9 semiautomatic pistol;

10 (2) Bushmaster semiautomatic pistol;

11 (3) Claridge HI–TEC semiautomatic pistol;

12 (4) D Max Industries semiautomatic pistol;

13 (5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

14 (6) Heckler and Koch semiautomatic SP–89 pistol;

15 (7) Holmes MP–83 semiautomatic pistol;

16 (8) Ingram MAC 10/11 semiautomatic pistol and variations including
17 the Partisan Avenger and the SWD Cobray;

18 (9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire
19 variation;

20 (10) P.A.W.S. type semiautomatic pistol;

21 (11) Skorpion semiautomatic pistol;

22 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

23 (13) UZI semiautomatic pistol;

24 (14) Weaver Arms semiautomatic Nighthawk pistol; or

25 (15) Wilkinson semiautomatic “Linda” pistol.

26 **(D) “ASSAULT WEAPON” MEANS:**

1 (1) AN ASSAULT LONG GUN;

2 (2) AN ASSAULT PISTOL; OR

3 (3) A COPYCAT WEAPON.

4 (E) (1) “COPYCAT WEAPON” MEANS:

5 (I) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT CAN
6 ACCEPT A DETACHABLE MAGAZINE AND HAS ANY TWO OF THE FOLLOWING:

7 1. A PISTOL GRIP THAT PROTRUDES
8 CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON;

9 2. ~~A THUMBHOLE STOCK;~~

10 ~~3.~~ A FOLDING OR TELESCOPING STOCK;

11 ~~4.~~ 3. A GRENADE LAUNCHER OR FLARE LAUNCHER;

12 ~~5.~~ 4. A FLASH SUPPRESSOR; OR

13 ~~6.~~ 5. A FORWARD PISTOL GRIP;

14 (II) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT HAS A
15 FIXED MAGAZINE WITH THE CAPACITY TO ACCEPT MORE THAN 10 ROUNDS;

16 (III) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT HAS AN
17 OVERALL LENGTH OF LESS THAN 30 INCHES;

18 (IV) A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A
19 DETACHABLE MAGAZINE AND HAS ANY TWO OF THE FOLLOWING:

20 1. A THREADED BARREL, CAPABLE OF ACCEPTING A
21 FLASH SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;

22 2. A SECOND HANDGRIP;

23 3. A SHROUD THAT IS ATTACHED TO OR THAT
24 PARTIALLY OR COMPLETELY ENCIRCLES THE BARREL, EXCEPT FOR A SLIDE
25 THAT ENCLOSSES THE BARREL, AND THAT ALLOWS THE BEARER TO FIRE THE
26 WEAPON WITHOUT BURNING THE BEARER’S HAND; OR

1 4. THE CAPACITY TO ACCEPT A DETACHABLE
2 MAGAZINE OUTSIDE THE PISTOL GRIP;

3 (V) A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE
4 THAT CAN ACCEPT MORE THAN 10 ROUNDS;

5 (VI) A SEMIAUTOMATIC SHOTGUN THAT HAS:

6 1. A FOLDING OR TELESCOPING STOCK; AND

7 2. A PISTOL GRIP THAT PROTRUDES
8 CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON, ~~THUMBHOLE STOCK,~~
9 OR VERTICAL HANDGRIP; OR

10 (VII) A SHOTGUN WITH A REVOLVING CYLINDER.

11 (2) “COPYCAT WEAPON” DOES NOT INCLUDE AN ASSAULT LONG
12 GUN OR AN ASSAULT PISTOL.

13 (F) “DETACHABLE MAGAZINE” MEANS AN AMMUNITION FEEDING
14 DEVICE THAT CAN BE REMOVED READILY FROM A FIREARM WITHOUT
15 REQUIRING DISASSEMBLY OF THE FIREARM ACTION OR WITHOUT THE USE OF A
16 TOOL, INCLUDING A BULLET OR CARTRIDGE.

17 (G) “FLASH SUPPRESSOR” MEANS A DEVICE THAT FUNCTIONS, OR IS
18 INTENDED TO FUNCTION, TO PERCEPTIBLY REDUCE OR REDIRECT MUZZLE
19 FLASH FROM THE SHOOTER’S FIELD OF VISION.

20 (H) “FORWARD PISTOL GRIP” MEANS A GRIP THAT ALLOWS FOR A
21 PISTOL-STYLE GRASP FORWARD OF THE TRIGGER.

22 (I) “LICENSED FIREARMS DEALER” MEANS A PERSON WHO HOLDS A
23 DEALER’S LICENSE UNDER TITLE 5, SUBTITLE 1 OF THE PUBLIC SAFETY
24 ARTICLE.

25 (J) “PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE
26 ACTION OF THE WEAPON” MEANS A GRIP THAT ALLOWS FOR A PISTOL-STYLE
27 GRASP IN WHICH THE WEB OF THE TRIGGER HAND BETWEEN THE THUMB AND
28 INDEX FINGER CAN BE PLACED BELOW THE TOP OF THE EXPOSED PORTION OF
29 THE TRIGGER WHILE FIRING.

30 ~~(K) “THUMBHOLE STOCK” MEANS A STOCK WITH A HOLE THAT ALLOWS~~
31 ~~THE THUMB OF THE TRIGGER HAND TO PENETRATE INTO OR THROUGH THE~~
32 ~~STOCK WHILE FIRING.~~

1 4-302.

2 This subtitle does not apply to:

3 (1) if acting within the scope of official business, personnel of the
4 United States government or a unit of that government, members of the armed forces
5 of the United States or of the National Guard, ~~or~~ law enforcement personnel of the
6 State or a local unit in the State, **OR A RAILROAD POLICE OFFICER AUTHORIZED**
7 **UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE OR 49 U.S.C. § 28101;**

8 (2) a firearm modified to render it permanently inoperative;

9 (3) **POSSESSION, MANUFACTURE, RECEIPT FOR MANUFACTURE,**
10 **SHIPMENT FOR MANUFACTURE,** purchases, sales, and transport to or by a licensed
11 firearms dealer or manufacturer who is:

12 (i) providing or servicing an assault [pistol] WEAPON or
13 detachable magazine for a law enforcement unit or for personnel exempted under item
14 (1) of this section; ~~or~~

15 (ii) acting to sell or transfer an assault [pistol] WEAPON or
16 detachable magazine to a licensed firearm dealer in another state; **OR**

17 **(III) ACTING TO RETURN TO A CUSTOMER IN ANOTHER STATE**
18 **AN ASSAULT WEAPON TRANSFERRED TO THE LICENSED FIREARMS DEALER OR**
19 **MANUFACTURER UNDER THE TERMS OF A WARRANTY OR FOR REPAIR;**

20 (4) organizations that are required or authorized by federal law
21 governing their specific business or activity to maintain assault [pistols] WEAPONS
22 and applicable ammunition and detachable magazines;

23 (5) the receipt of an assault [pistol] WEAPON or detachable magazine
24 by inheritance if the decedent lawfully possessed the assault [pistol] WEAPON; ~~or~~

25 (6) the receipt of an assault [pistol] WEAPON or detachable magazine
26 by a personal representative of an estate for purposes of exercising the powers and
27 duties of a personal representative of an estate; ~~OR~~

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

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

4 **(II) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE WAS**
 5 **PURCHASED OR OBTAINED BY THE PERSON FOR OFFICIAL USE WITH THE LAW**
 6 **ENFORCEMENT AGENCY BEFORE RETIREMENT; OR**

7 **(8) POSSESSION OR TRANSPORT BY AN EMPLOYEE OF AN**
 8 **ARMORED CAR COMPANY IF THE INDIVIDUAL IS ACTING WITHIN THE SCOPE OF**
 9 **EMPLOYMENT AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE**
 10 **PUBLIC SAFETY ARTICLE.**

11 4-303.

12 (a) Except as provided in subsection (b) of this section, a person may not:

13 (1) transport an assault [pistol] WEAPON into the State; or

14 (2) possess, sell, offer to sell, transfer, purchase, or receive an assault
 15 [pistol] WEAPON.

16 (b) **(1)** A person who lawfully possessed an assault pistol before June 1,
 17 1994, and who registered the assault pistol with the Secretary of State Police before
 18 August 1, 1994, may:

19 **[(1)] (I)** continue to possess **AND TRANSPORT** the assault pistol; or

20 **[(2)] (II)** while carrying a court order requiring the surrender of the
 21 assault pistol, transport the assault pistol directly to the law enforcement unit,
 22 barracks, or station if the person has notified the law enforcement unit, barracks, or
 23 station that the person is transporting the assault pistol in accordance with a court
 24 order and the assault pistol is unloaded.

25 **(2) ~~A LICENSED FIREARMS DEALER MAY CONTINUE TO POSSESS,~~**
 26 **~~SELL, OFFER FOR SALE, OR TRANSFER AN ASSAULT LONG GUN OR A COPYCAT~~**
 27 **~~WEAPON THAT THE LICENSED FIREARMS DEALER LAWFULLY POSSESSED ON OR~~**
 28 **~~BEFORE OCTOBER 1, 2013.~~**

29 **~~(3)~~ (1)** A PERSON WHO LAWFULLY POSSESSED AN ASSAULT
 30 LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2013, AND WHO
 31 REGISTERS THE ASSAULT LONG GUN OR COPYCAT WEAPON WITH THE
 32 SECRETARY OF STATE POLICE BEFORE **~~NOVEMBER 1, 2013~~ JANUARY 1, 2014,**
 33 **MAY:**

1 ~~(H)~~ 1. CONTINUE TO POSSESS AND TRANSPORT THE
2 ASSAULT LONG GUN OR COPYCAT WEAPON; OR

3 ~~(H)~~ 2. WHILE CARRYING A COURT ORDER REQUIRING
4 THE SURRENDER OF THE ASSAULT LONG GUN OR COPYCAT WEAPON,
5 TRANSPORT THE ASSAULT LONG GUN OR COPYCAT WEAPON DIRECTLY TO THE
6 LAW ENFORCEMENT UNIT, BARRACKS, OR STATION IF THE PERSON HAS
7 NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE
8 PERSON IS TRANSPORTING THE ASSAULT LONG GUN OR COPYCAT WEAPON IN
9 ACCORDANCE WITH A COURT ORDER AND THE ASSAULT LONG GUN OR COPYCAT
10 WEAPON IS UNLOADED.

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

15 (3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A
16 PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG GUN OR A COPYCAT
17 WEAPON BEFORE OCTOBER 1, 2013, AND WHO VOLUNTARILY REGISTERS THE
18 ASSAULT LONG GUN OR COPYCAT WEAPON ON OR AFTER ~~NOVEMBER 1, 2013~~
19 JANUARY 1, 2014, IS NOT SUBJECT TO THE PENALTIES IN § 4-306 OF THIS
20 SUBTITLE.

21 (II) A PERSON WHO VOLUNTARILY REGISTERS AN ASSAULT
22 LONG GUN OR A COPYCAT WEAPON AS DESCRIBED IN SUBPARAGRAPH (I) OF
23 THIS PARAGRAPH IS SUBJECT TO ~~A CIVIL PENALTY NOT EXCEEDING \$1,000:~~

24 1. BEFORE MAY 1, 2014, A CIVIL PENALTY NOT
25 EXCEEDING \$290 PER REGISTERED FIREARM;

26 2. ON OR AFTER MAY 1, 2014 AND BEFORE
27 NOVEMBER 1, 2015, A CIVIL PENALTY NOT EXCEEDING \$580 PER REGISTERED
28 FIREARM; AND

29 3. ON OR AFTER NOVEMBER 1, 2015 AND BEFORE
30 MAY 1, 2016, A CIVIL PENALTY NOT EXCEEDING \$1,000 PER REGISTERED
31 FIREARM.

32 (4) (I) A PERSON WHO LAWFULLY POSSESSED AN ASSAULT
33 LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2013, AND WHO
34 REGISTERS THE ASSAULT LONG GUN OR COPYCAT WEAPON ON OR AFTER
35 ~~NOVEMBER 1, 2013~~ JANUARY 1, 2014, ONLY AFTER BEING DISCOVERED IN
36 POSSESSION OF THE ASSAULT LONG GUN OR COPYCAT WEAPON BY A LAW

1 ENFORCEMENT OFFICER IS NOT SUBJECT TO THE PENALTIES IN § 4-306 OF THIS
2 SUBTITLE.

3 (II) A PERSON DESCRIBED IN SUBPARAGRAPH (I) OF THIS
4 PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
5 IMPRISONMENT NOT EXCEEDING ~~18 MONTHS~~ 1 YEAR FOR EACH INCIDENT IN
6 WHICH THE PERSON IS DISCOVERED WITH UNREGISTERED FIREARMS.

7 4-304.

8 A law enforcement unit may seize as contraband and dispose of according to
9 regulation an assault [pistol] WEAPON transported, sold, transferred, purchased,
10 received, or possessed in violation of this subtitle.

11 4-305.

12 (a) This section does not apply to a .22 caliber rifle with a tubular magazine.

13 (b) A person may not manufacture, sell, offer for sale, purchase, receive, or
14 transfer a detachable magazine that has a capacity of more than [20] 10 rounds of
15 ammunition for a firearm.

16 4-306.

17 (a) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A person
18 who violates this subtitle is guilty of a misdemeanor and on conviction is subject to
19 imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

20 (b) (1) A person who uses an assault [pistol] WEAPON, or a magazine that
21 has a capacity of more than [20] 10 rounds of ammunition, in the commission of a
22 felony or a crime of violence as defined in § 5-101 of the Public Safety Article is guilty
23 of a misdemeanor and on conviction, in addition to any other sentence imposed for the
24 felony or crime of violence, shall be sentenced under this subsection.

25 (2) (i) For a first violation, the person shall be sentenced to
26 imprisonment for not less than 5 years and not exceeding 20 years.

27 (ii) The court may not impose less than the minimum sentence
28 of 5 years.

29 (iii) The mandatory minimum sentence of 5 years may not be
30 suspended.

31 (iv) Except as otherwise provided in § 4-305 of the Correctional
32 Services Article, the person is not eligible for parole in less than 5 years.

1 (3) (i) For each subsequent violation, the person shall be sentenced
2 to imprisonment for not less than 10 years and not exceeding 20 years.

3 (ii) The court may not impose less than the minimum sentence
4 of 10 years.

5 (iii) A sentence imposed under this paragraph shall be
6 consecutive to and not concurrent with any other sentence imposed for the felony or
7 crime of violence.

8 Article – Health – General

9 10–632.

10 (G) IF A HEARING OFFICER ENTERS AN ORDER FOR INVOLUNTARY
11 ADMISSION UNDER PART III OF THIS SUBTITLE AND THE HEARING OFFICER
12 DETERMINES THAT THE INDIVIDUAL CANNOT SAFELY POSSESS A FIREARM
13 BASED ON CREDIBLE EVIDENCE OF DANGEROUSNESS TO OTHERS, THE HEARING
14 OFFICER SHALL ORDER THE INDIVIDUAL WHO IS SUBJECT TO THE
15 INVOLUNTARY ADMISSION TO:

16 (1) (I) SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY
17 FIREARMS IN THE INDIVIDUAL’S POSSESSION; OR

18 (II) TEMPORARILY CONSIGN ANY FIREARMS IN THE
19 INDIVIDUAL’S POSSESSION TO A LICENSED DEALER FOR STORAGE OR
20 CONSIGNMENT; AND

21 (2) REFRAIN FROM POSSESSING A FIREARM UNLESS THE
22 INDIVIDUAL IS GRANTED RELIEF FROM FIREARMS DISQUALIFICATION IN
23 ACCORDANCE WITH § 5–133.3 OF THE PUBLIC SAFETY ARTICLE.

24 Article – Natural Resources

25 10–410.

26 (g) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3)
27 of this subsection, a person, other than the owner or occupant, while hunting for any
28 wild bird or mammal may not shoot or discharge any firearm or other deadly weapon
29 within 150 yards, known as the “safety zone,” of a dwelling house, residence, church,
30 or other building or camp occupied by human beings, or shoot at any wild bird or
31 mammal while it is within this area, without the specific advance permission of the
32 owner or occupant.

1 (2) A PERSON, WHILE HUNTING FOR ANY WILD BIRD OR MAMMAL,
 2 MAY NOT SHOOT OR DISCHARGE ANY FIREARM WITHIN 300 YARDS OF A PUBLIC
 3 OR NONPUBLIC SCHOOL DURING SCHOOL HOURS OR AT A TIME WHEN A
 4 SCHOOL-APPROVED ACTIVITY IS TAKING PLACE.

5 [(2)] (3) For archery hunters in Carroll County or Frederick County,
 6 the safety zone described in paragraph (1) of this subsection extends for 50 yards from
 7 a dwelling house, residence, church, or any other building or camp occupied by human
 8 beings.

9 [(3)] (4) During any open hunting season, a person, other than the
 10 owner or occupant, may not hunt or chase willfully any wild bird or mammal within
 11 the safety zone without the specific advance permission of the owner or occupant.

12 Article – Public Safety

13 5–101.

- 14 (a) In this subtitle the following words have the meanings indicated.
- 15 (b) “Antique firearm” has the meaning stated in § 4–201 of the Criminal Law
 16 Article.
- 17 (c) “Crime of violence” means:
- 18 (1) abduction;
- 19 (2) arson in the first degree;
- 20 (3) assault in the first or second degree;
- 21 (4) burglary in the first, second, or third degree;
- 22 (5) carjacking and armed carjacking;
- 23 (6) escape in the first degree;
- 24 (7) kidnapping;
- 25 (8) voluntary manslaughter;
- 26 (9) maiming as previously proscribed under former Article 27, § 386 of
 27 the Code;
- 28 (10) mayhem as previously proscribed under former Article 27, § 384 of
 29 the Code;

- 1 (11) murder in the first or second degree;
- 2 (12) rape in the first or second degree;
- 3 (13) robbery;
- 4 (14) robbery with a dangerous weapon;
- 5 (15) sexual offense in the first, second, or third degree;
- 6 (16) an attempt to commit any of the crimes listed in items (1) through
7 (15) of this subsection; or
- 8 (17) assault with intent to commit any of the crimes listed in items (1)
9 through (15) of this subsection or a crime punishable by imprisonment for more than 1
10 year.
- 11 (d) “Dealer” means a person who is engaged in the business of:
- 12 (1) selling, renting, or transferring firearms at wholesale or retail; or
- 13 (2) repairing firearms.
- 14 (e) “Dealer’s license” means a State regulated firearms dealer’s license.
- 15 (f) “Designated law enforcement agency” means a law enforcement agency
16 that the Secretary designates to process applications to purchase regulated firearms
17 for secondary sales.
- 18 (g) “Disqualifying crime” means:
- 19 (1) a crime of violence;
- 20 (2) a violation classified as a felony in the State; or
- 21 (3) a violation classified as a misdemeanor in the State that carries a
22 statutory penalty of more than 2 years.
- 23 (h) (1) “Firearm” means:
- 24 (i) a weapon that expels, is designed to expel, or may readily be
25 converted to expel a projectile by the action of an explosive; or
- 26 (ii) the frame or receiver of such a weapon.
- 27 (2) “Firearm” includes a starter gun.

1 (i) “Firearm applicant” means a person who makes a firearm application.

2 (j) “Firearm application” means an application to purchase, rent, or transfer
3 a regulated firearm.

4 (k) “Fugitive from justice” means a person who has fled to avoid prosecution
5 or giving testimony in a criminal proceeding.

6 (l) “Habitual drunkard” means a person who has been found guilty of any
7 three crimes under § 21-902(a), (b), or (c) of the Transportation Article, one of which
8 occurred in the past year.

9 (m) “Habitual user” means a person who has been found guilty of two
10 controlled dangerous substance crimes, one of which occurred in the past 5 years.

11 (n) (1) “Handgun” means a firearm with a barrel less than 16 inches in
12 length.

13 (2) “Handgun” includes signal, starter, and blank pistols.

14 **(O) “HANDGUN QUALIFICATION LICENSE” MEANS A LICENSE ISSUED BY**
15 **THE SECRETARY THAT AUTHORIZES A PERSON TO PURCHASE, RENT, OR**
16 **RECEIVE A HANDGUN.**

17 **[(p)] (P)** “Licensee” means a person who holds a dealer’s license.

18 **(Q) “QUALIFIED HANDGUN INSTRUCTOR” MEANS A PERSON CERTIFIED**
19 **BY THE SECRETARY WHO MEETS THE REQUIREMENTS ESTABLISHED BY THE**
20 **SECRETARY TO PROVIDE TRAINING IN THE CARE, SAFETY, AND USE OF**
21 **HANDGUNS.**

22 **[(p)] (R)** “Regulated firearm” means:

23 (1) a handgun; or

24 (2) a firearm that is any of the following specific assault weapons or
25 their copies, regardless of which company produced and manufactured that assault
26 weapon:

27 (i) American Arms Spectre da Semiautomatic carbine;

28 (ii) AK-47 in all forms;

29 (iii) Algimec AGM-1 type semi-auto;

- 1 (iv) AR 100 type semi-auto;
- 2 (v) AR 180 type semi-auto;
- 3 (vi) Argentine L.S.R. semi-auto;
- 4 (vii) Australian Automatic Arms SAR type semi-auto;
- 5 (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- 6 (ix) Barrett light .50 cal. semi-auto;
- 7 (x) Beretta AR70 type semi-auto;
- 8 (xi) Bushmaster semi-auto rifle;
- 9 (xii) Calico models M-100 and M-900;
- 10 (xiii) CIS SR 88 type semi-auto;
- 11 (xiv) Claridge HI TEC C-9 carbines;
- 12 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15
13 Sporter H-BAR rifle;
- 14 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and
15 K-2;
- 16 (xvii) Dragunov Chinese made semi-auto;
- 17 (xviii) Famas semi-auto (.223 caliber);
- 18 (xix) Feather AT-9 semi-auto;
- 19 (xx) FN LAR and FN FAL assault rifle;
- 20 (xxi) FNC semi-auto type carbine;
- 21 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 22 (xxiii) Steyr-AUG-SA semi-auto;
- 23 (xxiv) Galil models AR and ARM semi-auto;
- 24 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 25 (xxvi) Holmes model 88 shotgun;

- 1 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- 2 (xxviii) Manchester Arms “Commando” MK-45, MK-9;
- 3 (xxix) Mandell TAC-1 semi-auto carbine;
- 4 (xxx) Mossberg model 500 Bullpup assault shotgun;
- 5 (xxxi) Sterling Mark 6;
- 6 (xxxii) P.A.W.S. carbine;
- 7 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- 8 (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- 9 (xxxv) SKS with detachable magazine;
- 10 (xxxvi) AP-74 Commando type semi-auto;
- 11 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3,
12 M-21 sniper rifle, M1A, excluding the M1 Garand;
- 13 (xxxviii) Street sweeper assault type shotgun;
- 14 (xxxix) Striker 12 assault shotgun in all formats;
- 15 (xl) Unique F11 semi-auto type;
- 16 (xli) Daewoo USAS 12 semi-auto shotgun;
- 17 (xlii) UZI 9mm carbine or rifle;
- 18 (xliii) Valmet M-76 and M-78 semi-auto;
- 19 (xliv) Weaver Arms “Nighthawk” semi-auto carbine; or
- 20 (xlv) Wilkinson Arms 9mm semi-auto “Terry”.

21 [(q)] (S) “Rent” means the temporary transfer for consideration of a
22 regulated firearm that is taken from the property of the owner of the regulated
23 firearm.

24 [(r)] (T) “Secondary sale” means a sale of a regulated firearm in which
25 neither party to the sale:

- 1 (1) is a licensee;
- 2 (2) is licensed by the federal government as a firearms dealer;
- 3 (3) devotes time, attention, and labor to dealing in firearms as a
4 regular course of trade or business with the principal objective of earning a profit
5 through the repeated purchase and resale of firearms; or
- 6 (4) repairs firearms as a regular course of trade or business.

7 [(s)] (U) "Secretary" means the Secretary of State Police or the Secretary's
8 designee.

9 [(t)] (V) "Straw purchase" means a sale of a regulated firearm in which a
10 person uses another, known as the straw purchaser, to:

- 11 (1) complete the application to purchase a regulated firearm;
- 12 (2) take initial possession of the regulated firearm; and
- 13 (3) subsequently transfer the regulated firearm to the person.

14 5-110.

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

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

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

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

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

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

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

1 5-114.

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

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

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

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

8 5-115.

9 (a) (1) A person whose dealer's license is suspended or revoked OR WHO
10 **IS FINED FOR A VIOLATION OF THIS SUBTITLE** and who is aggrieved by the action
11 of the Secretary may request a hearing by writing to the Secretary within 30 days
12 after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

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

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

17 5-117.1.

18 (A) **THIS SECTION DOES NOT APPLY TO:**

19 (1) **A LICENSED FIREARMS MANUFACTURER;**

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

24 (3) **A MEMBER OR RETIRED MEMBER OF THE ARMED FORCES OF**
25 **THE UNITED STATES OR THE NATIONAL GUARD.**

26 ~~(A)~~ (B) **A DEALER OR ANY OTHER PERSON MAY NOT SELL, RENT, OR**
27 **TRANSFER A REGULATED FIREARM TO A PURCHASER, LESSEE, OR TRANSFEREE**
28 **UNLESS THE PURCHASER, LESSEE, OR TRANSFEREE PRESENTS TO THE DEALER**
29 **OR OTHER PERSON A VALID ~~REGULATED FIREARM~~ HANDGUN QUALIFICATION**
30 **LICENSE ISSUED TO THE PURCHASER, LESSEE, OR TRANSFEREE BY THE**
31 **SECRETARY UNDER THIS SECTION.**

1 ~~(B)~~ (C) A PERSON MAY PURCHASE, RENT, OR RECEIVE A HANDGUN
2 ONLY IF THE PERSON:

3 (1) (I) POSSESSES A VALID HANDGUN QUALIFICATION LICENSE
4 ISSUED TO THE PERSON BY THE SECRETARY IN ACCORDANCE WITH THIS
5 SECTION; ~~AND~~

6 (II) POSSESSES VALID CREDENTIALS FROM A LAW
7 ENFORCEMENT AGENCY OR RETIREMENT CREDENTIALS FROM A LAW
8 ENFORCEMENT AGENCY; OR

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

12 (2) IS NOT OTHERWISE PROHIBITED FROM PURCHASING OR
13 POSSESSING A HANDGUN UNDER STATE OR FEDERAL LAW.

14 ~~(C)~~ (D) SUBJECT TO SUBSECTIONS ~~(E) AND (F)~~ (F) AND (G) OF THIS
15 SECTION, THE SECRETARY SHALL ISSUE A HANDGUN QUALIFICATION LICENSE
16 TO A PERSON WHO THE SECRETARY FINDS:

17 (1) IS AT LEAST 21 YEARS OLD;

18 (2) IS A RESIDENT OF THE STATE;

19 (3) EXCEPT AS PROVIDED IN SUBSECTION ~~(D)~~ (E) OF THIS
20 SECTION, HAS DEMONSTRATED SATISFACTORY COMPLETION₇;

21 (I) WITHIN ~~1-YEAR~~ 3 YEARS PRIOR TO THE SUBMISSION OF
22 THE APPLICATION, OF A FIREARMS SAFETY TRAINING COURSE APPROVED BY
23 THE SECRETARY THAT INCLUDES:

24 ~~(I)~~ 1. A MINIMUM OF ~~§ 4~~ HOURS OF INSTRUCTION BY A
25 QUALIFIED HANDGUN INSTRUCTOR;

26 ~~(II)~~ 2. CLASSROOM INSTRUCTION ON:

27 ~~1.~~ A. STATE FIREARM LAW;

28 ~~2.~~ B. HOME FIREARM SAFETY; AND

29 ~~3.~~ C. HANDGUN MECHANISMS AND OPERATION; AND

1 ~~(H)~~ (II) WITHIN 10 YEARS PRIOR TO THE SUBMISSION OF
2 THE APPLICATION, OF A FIREARMS SAFETY TRAINING COURSE APPROVED BY
3 THE SECRETARY THAT INCLUDES A FIREARMS QUALIFICATION COMPONENT
4 THAT DEMONSTRATES THE PERSON’S PROFICIENCY AND USE OF THE FIREARM;
5 AND

6 (4) BASED ON AN INVESTIGATION, IS NOT PROHIBITED BY
7 FEDERAL OR STATE LAW FROM PURCHASING OR POSSESSING A HANDGUN.

8 ~~(D)~~ (E) AN APPLICANT FOR A HANDGUN QUALIFICATION LICENSE IS
9 NOT REQUIRED TO COMPLETE A FIREARMS SAFETY TRAINING COURSE UNDER
10 SUBSECTION ~~(C)~~ (D) OF THIS SECTION IF THE APPLICANT:

11 (1) ~~IS A LAW ENFORCEMENT OFFICER OF THE UNITED STATES,~~
12 ~~THE STATE, OR ANY LOCAL LAW ENFORCEMENT AGENCY IN THE STATE;~~

13 ~~(2) IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES~~
14 ~~OR THE NATIONAL GUARD; OR~~

15 ~~(3) HAS COMPLETED A CERTIFIED FIREARMS TRAINING COURSE~~
16 ~~APPROVED BY THE SECRETARY; OR~~

17 (2) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

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

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

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

24 (3) IS AN HONORABLY DISCHARGED MEMBER OF THE ARMED
25 FORCES OF THE UNITED STATES OR THE NATIONAL GUARD; OR

26 (4) IS AN EMPLOYEE OF AN ARMORED CAR COMPANY AND HAS A
27 PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

28 ~~(E)~~ (F) (1) IN THIS SUBSECTION, “CENTRAL REPOSITORY” MEANS
29 THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE
30 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

1 (2) ~~IN ORDER TO OBTAIN A HANDGUN QUALIFICATION LICENSE,~~
2 ~~AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL~~
3 ~~AND STATE CRIMINAL HISTORY RECORDS CHECK. THE SECRETARY SHALL~~
4 ~~APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL~~
5 ~~HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A HANDGUN~~
6 ~~QUALIFICATION LICENSE.~~

7 (3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
8 RECORDS CHECK, THE ~~APPLICANT~~ SECRETARY SHALL SUBMIT TO THE
9 CENTRAL REPOSITORY:

10 (I) ~~TWO COMPLETE SETS~~ A COMPLETE SET OF THE
11 APPLICANT'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE
12 DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE
13 FEDERAL BUREAU OF INVESTIGATION;

14 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
15 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL
16 HISTORY RECORDS; AND

17 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
18 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
19 RECORDS CHECK.

20 (4) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO
21 THE APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (3)(II)
22 AND (III) OF THIS SUBSECTION.

23 (5) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE
24 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD
25 TO THE APPLICANT AND THE SECRETARY A PRINTED STATEMENT OF THE
26 APPLICANT'S CRIMINAL HISTORY INFORMATION.

27 (6) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
28 UNDER THIS SECTION:

29 (I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

30 (II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE
31 AUTHORIZED BY THIS SECTION.

32 (7) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED
33 TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL
34 HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE

1 DEPARTMENT OF STATE POLICE LICENSING DIVISION A REVISED PRINTED
2 STATEMENT OF THE APPLICANT'S OR LICENSEE'S STATE CRIMINAL HISTORY
3 RECORD.

4 ~~(F)~~ (G) AN APPLICANT FOR A HANDGUN QUALIFICATION LICENSE
5 SHALL SUBMIT TO THE SECRETARY:

6 (1) AN APPLICATION IN THE MANNER AND FORMAT DESIGNATED
7 BY THE SECRETARY;

8 (2) A NONREFUNDABLE APPLICATION FEE ~~OF \$100~~ TO COVER
9 THE COSTS TO ADMINISTER THE PROGRAM UP TO \$50 \$25;

10 (3) PROOF OF SATISFACTORY COMPLETION OF A FIREARMS
11 SAFETY TRAINING COURSE APPROVED BY THE SECRETARY OR A VALID
12 FIREARMS INSTRUCTOR CERTIFICATION;

13 (4) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION
14 REQUIRED BY THE SECRETARY; AND

15 (5) A STATEMENT MADE BY THE APPLICANT UNDER THE PENALTY
16 OF PERJURY THAT THE APPLICANT IS NOT PROHIBITED UNDER FEDERAL OR
17 STATE LAW FROM POSSESSING A HANDGUN.

18 ~~(G)~~ (H) WITHIN 30 DAYS AFTER RECEIVING A PROPERLY COMPLETED
19 APPLICATION, THE SECRETARY SHALL ISSUE TO THE APPLICANT:

20 (1) A HANDGUN QUALIFICATION LICENSE IF THE APPLICANT IS
21 APPROVED; OR

22 (2) A WRITTEN DENIAL OF THE APPLICATION THAT CONTAINS A
23 STATEMENT OF THE APPLICANT'S APPEAL RIGHTS UNDER SUBSECTION ~~(J)~~ (L)
24 OF THIS SECTION.

25 ~~(H)~~ (I) ~~(1)~~ A HANDGUN QUALIFICATION LICENSE ISSUED UNDER
26 THIS SECTION EXPIRES ~~5~~ 10 YEARS FROM THE DATE OF ISSUANCE.

27 ~~(2)~~ (J) (1) THE HANDGUN QUALIFICATION LICENSE MAY BE
28 RENEWED FOR SUCCESSIVE PERIODS OF ~~5~~ 10 YEARS EACH IF, AT THE TIME OF
29 AN APPLICATION FOR RENEWAL, THE APPLICANT ~~POSSESSES THE~~
30 ~~QUALIFICATIONS FOR THE ISSUANCE OF THE HANDGUN QUALIFICATION~~
31 ~~LICENSE AND PAYS THE FEES REQUIRED IN SUBSECTIONS (E)(3) AND (F)(2) OF~~
32 ~~THIS SECTION;~~

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

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

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

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

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

11 ~~(J)~~ **(K) (1) THE SECRETARY MAY REVOKE A HANDGUN**
12 **QUALIFICATION LICENSE ISSUED OR RENEWED UNDER THIS SECTION ON A**
13 **FINDING THAT THE LICENSEE NO LONGER SATISFIES THE QUALIFICATIONS SET**
14 **FORTH IN SUBSECTION ~~(C)~~ (D) OF THIS SECTION.**

15 **(2) A PERSON HOLDING A HANDGUN QUALIFICATION LICENSE**
16 **THAT HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE LICENSE TO**
17 **THE SECRETARY WITHIN 5 DAYS AFTER RECEIPT OF THE NOTICE OF**
18 **REVOCATION.**

19 ~~(J)~~ **(L) (1) A PERSON WHOSE ORIGINAL OR RENEWAL APPLICATION**
20 **FOR A HANDGUN QUALIFICATION LICENSE IS DENIED OR WHOSE HANDGUN**
21 **QUALIFICATION LICENSE IS REVOKED, MAY SUBMIT A WRITTEN REQUEST TO**
22 **THE SECRETARY FOR A HEARING WITHIN 30 DAYS AFTER THE DATE THE**
23 **WRITTEN NOTICE OF THE DENIAL OR REVOCATION WAS SENT TO THE**
24 **AGGRIEVED PERSON.**

25 **(2) A HEARING UNDER THIS SECTION SHALL BE GRANTED BY THE**
26 **SECRETARY WITHIN 15 DAYS AFTER THE REQUEST.**

27 **(3) A HEARING AND ANY SUBSEQUENT PROCEEDINGS OF**
28 **JUDICIAL REVIEW UNDER THIS SECTION SHALL BE CONDUCTED IN**
29 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
30 **ARTICLE.**

31 **(4) A HEARING UNDER THIS SECTION SHALL BE HELD IN THE**
32 **COUNTY OF THE LEGAL RESIDENCE OF THE AGGRIEVED PERSON.**

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

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

8 5-118.

9 (b) A firearm application shall contain:

10 (2) the date and time that the firearm applicant delivered the
 11 completed firearm application to the prospective seller or transferor; [and]

12 (3) a statement by the firearm applicant under the penalty of perjury
 13 that the firearm applicant:

14 (i) is at least 21 years old;

15 (ii) has never been convicted of a disqualifying crime;

16 (iii) has never been convicted of a violation classified as a
 17 common law crime and received a term of imprisonment of more than 2 years;

18 (iv) is not a fugitive from justice;

19 (v) is not a habitual drunkard;

20 (vi) is not addicted to a controlled dangerous substance or is not
 21 a habitual user;

22 **(VII) DOES NOT SUFFER FROM A MENTAL DISORDER AS**
 23 **DEFINED IN § 10-101(F)(2) OF THE HEALTH - GENERAL ARTICLE AND HAVE A**
 24 **HISTORY OF VIOLENT BEHAVIOR AGAINST THEMSELVES OR ANOTHER, UNLESS**
 25 **THE PERSON HAS A PHYSICIAN'S CERTIFICATE THAT THE PERSON IS CAPABLE**
 26 **OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE**
 27 **PERSON OR TO ANOTHER;**

28 ~~(vii) (VIII) has never spent more than 30 consecutive days in a~~
 29 ~~medical institution for treatment of a mental disorder, unless a physician's certificate~~
 30 ~~issued within 30 days before the date of application is attached to the application,~~
 31 ~~certifying that the firearm applicant is capable of possessing a regulated firearm~~
 32 ~~without undue danger to the firearm applicant or to another;~~

1 ~~(viii) is not a respondent against whom a current non ex parte~~
2 ~~civil protective order has been entered under § 4-506 of the Family Law Article~~ **BEEN**
3 **FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL**
4 **PROCEDURE ARTICLE;**

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

7 **(X) ~~HAS NEVER BEEN~~ BEFORE OCTOBER 1, 2013, WAS**
8 **NEVER VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A**
9 **FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;**

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

12 **(XII) HAS NEVER BEEN ADMITTED TO A FACILITY AS DEFINED**
13 **IN § 10-101 OF THE HEALTH - GENERAL ARTICLE AS THE RESULT OF AN**
14 **EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH - GENERAL**
15 **ARTICLE OR, IF THE PERSON HAS BEEN ADMITTED TO A FACILITY, POSSESSES A**
16 **CERTIFICATE FROM THE FACILITY THAT THE PERSON IS CAPABLE OF**
17 **POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON**
18 **OR TO ANOTHER;**

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

22 ~~(XIII)~~ **(XIV) IS NOT A RESPONDENT AGAINST WHOM:**

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

25 **2. AN ORDER FOR PROTECTION, AS DEFINED IN §**
26 **4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF**
27 **ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT; AND**

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

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

1 (4) A COPY OF THE APPLICANT'S HANDGUN QUALIFICATION
2 LICENSE.

3 [5-119.

4 A firearm applicant is not required to complete a certified firearms training
5 course required under §§ 5-118 and 5-134 of this subtitle if the firearm applicant:

6 (1) has already completed a certified firearms training course required
7 under §§ 5-118 and 5-134 of this subtitle;

8 (2) is a law enforcement officer of the State or any local law
9 enforcement agency in the State;

10 (3) is a member, retired member, or honorably discharged member of
11 the armed forces of the United States or the National Guard;

12 (4) is a member of an organization that is required by federal law
13 governing its specific business or activity to maintain handguns and applicable
14 ammunition; or

15 (5) holds a permit to carry a handgun under Subtitle 3 of this title.]

16 5-120.

17 (a) (1) On receipt of a firearm application, a licensee or designated law
18 enforcement agency shall promptly forward one copy of it to the Secretary by[:

19 (i) certified mail;

20 (ii) facsimile machine; or

21 (iii)] electronic means approved by the Secretary.

22 (2) The copy of the firearm application forwarded to the Secretary
23 shall contain the name, address, and signature of the prospective seller, lessor, or
24 transferor.

25 (b) (1) The prospective seller, lessor, or transferor shall keep one copy of
26 the firearm application for not less than 3 years.

27 (2) The firearm applicant is entitled to [the remaining] A copy of the
28 firearm application.

1 (c) [(1) Except as provided in paragraph (2) of this subsection, the] **THE**
2 licensee or designated law enforcement agency shall forward the \$10 application fee
3 with the firearm application to the Secretary.

4 [(2) A licensee or designated law enforcement agency that uses a
5 facsimile machine to forward the firearm application to the Secretary shall:

6 (i) be billed \$10 for each firearm application forwarded to the
7 Secretary during the month; and

8 (ii) pay the total application fee by the fifteenth day of the
9 following month.]

10 5-133.

11 (a) This section supersedes any restriction that a local jurisdiction in the
12 State imposes on the possession by a private party of a regulated firearm, and the
13 State preempts the right of any local jurisdiction to regulate the possession of a
14 regulated firearm.

15 (b) **[A] SUBJECT TO § 5-133.3 OF THIS SUBTITLE**, A person may not
16 possess a regulated firearm if the person:

17 (1) has been convicted of a disqualifying crime;

18 (2) has been convicted of a violation classified as a common law crime
19 and received a term of imprisonment of more than 2 years;

20 (3) is a fugitive from justice;

21 (4) is a habitual drunkard;

22 (5) is addicted to a controlled dangerous substance or is a habitual
23 user;

24 (6) ~~is~~ suffers from a mental disorder as defined in § 10-101(f)(2) of the
25 Health – General Article and has a history of violent behavior against the person or
26 another, unless the person has a physician's certificate that the person is capable of
27 possessing a regulated firearm without undue danger to the person or to another;
28 ~~unless the person has a physician's certificate that the person is capable of possessing~~
29 ~~a regulated firearm without undue danger to the person or to another];~~

30 **(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER §**
31 **3-106 OF THE CRIMINAL PROCEDURE ARTICLE;**

1 ~~(7)~~ **(8)** HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE
2 UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

3 ~~[(7)]~~ ~~(8)~~ **(9)** has been ~~confined~~ VOLUNTARILY ADMITTED for more
4 than 30 consecutive days to ~~A PATIENT IN~~ a facility as defined in § 10-101 of the
5 Health – General Article BEFORE OCTOBER 1, 2013], unless the person has a
6 physician’s certificate that the person is capable of possessing a regulated firearm
7 without undue danger to the person or to another] ~~AND;~~

8 ~~(I)~~ **(10)** HAS BEEN ~~A VOLUNTARY OR AN INVOLUNTARY~~
9 ~~PATIENT FOR 30 CONSECUTIVE DAYS OR MORE; OR~~

10 ~~(II)~~ ~~HAS BEEN DETERMINED BY A COURT TO BE UNABLE TO~~
11 ~~SAFELY POSSESS A FIREARM BASED ON CREDIBLE EVIDENCE OF~~
12 ~~DANGEROUSNESS TO OTHERS~~ INVOLUNTARILY COMMITTED TO A FACILITY AS
13 DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

14 ~~(9)~~ **(11)** HAS BEEN ADMITTED TO A FACILITY AS DEFINED IN §
15 10-101 OF THE HEALTH – GENERAL ARTICLE AS THE RESULT OF AN
16 EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH – GENERAL
17 ARTICLE, UNLESS THE PERSON HAS A CERTIFICATE FROM THE FACILITY THAT
18 THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT
19 UNDUE DANGER TO THE PERSON OR TO ANOTHER;

20 **(12)** IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A
21 COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS
22 ARTICLE;

23 ~~[(8)]~~ ~~(10)~~ ~~(12)~~ **(13)** except as provided in subsection (e) of this
24 section, is a respondent against whom [a current non ex parte civil protective order
25 has been entered under § 4-506 of the Family Law Article; or];

26 **(I)** A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER
27 HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

28 **(II)** AN ORDER FOR PROTECTION, AS DEFINED IN §
29 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF
30 ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT; OR

31 ~~[(9)]~~ ~~(11)~~ ~~(13)~~ **(14)** if under the age of 30 years at the time of
32 possession, has been adjudicated delinquent by a juvenile court for an act that would
33 be a disqualifying crime if committed by an adult.

1 (c) (1) A person may not possess a regulated firearm if the person was
2 previously convicted of:

3 (i) a crime of violence;

4 (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, §
5 5-613, or § 5-614 of the Criminal Law Article; or

6 (iii) an offense under the laws of another state or the United
7 States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph
8 if committed in this State.

9 (2) (i) Subject to paragraph (3) of this subsection, a person who
10 violates this subsection is guilty of a felony and on conviction is subject to
11 imprisonment for not less than 5 years and not exceeding 15 years.

12 (ii) The court may not suspend any part of the mandatory
13 minimum sentence of 5 years.

14 (iii) Except as otherwise provided in § 4-305 of the Correctional
15 Services Article, the person is not eligible for parole during the mandatory minimum
16 sentence.

17 (3) At the time of the commission of the offense, if a period of more
18 than 5 years has elapsed since the person completed serving the sentence for the most
19 recent conviction under paragraph (1)(i) or (ii) of this subsection, including all
20 imprisonment, mandatory supervision, probation, and parole:

21 (i) the imposition of the mandatory minimum sentence is
22 within the discretion of the court; and

23 (ii) the mandatory minimum sentence may not be imposed
24 unless the State's Attorney notifies the person in writing at least 30 days before trial
25 of the State's intention to seek the mandatory minimum sentence.

26 (4) Each violation of this subsection is a separate crime.

27 (d) (1) Except as provided in paragraph (2) of this subsection, a person
28 who is under the age of 21 years may not possess a regulated firearm.

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

31 (i) the temporary transfer or possession of a regulated firearm
32 if the person is:

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

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

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

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

10 (iv) the temporary transfer or possession of a regulated firearm
11 if the person is:

12 1. participating in marksmanship training of a
13 recognized organization; and

14 2. under the supervision of a qualified instructor;

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

17 (vi) the possession of a firearm for self-defense or the defense of
18 others against a trespasser into the residence of the person in possession or into a
19 residence in which the person in possession is an invited guest.

20 (e) This section does not apply to a respondent transporting a regulated
21 firearm if the respondent is carrying a civil protective order requiring the surrender of
22 the regulated firearm and:

23 (1) the regulated firearm is unloaded;

24 (2) the respondent has notified the law enforcement unit, barracks, or
25 station that the regulated firearm is being transported in accordance with the civil
26 protective order; and

27 (3) the respondent transports the regulated firearm directly to the law
28 enforcement unit, barracks, or station.

29 **5-133.1.**

30 (A) **IN THIS SECTION, "AMMUNITION" MEANS A CARTRIDGE, SHELL, OR**
31 **ANY OTHER DEVICE CONTAINING EXPLOSIVE OR INCENDIARY MATERIAL**
32 **DESIGNED AND INTENDED FOR USE IN A FIREARM.**

1 **(B) A PERSON MAY NOT POSSESS AMMUNITION IF THE PERSON IS**
2 **PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133 (B) OR**
3 **(C) OF THIS SUBTITLE.**

4 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
5 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
6 **EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1000 OR BOTH.**

7 **5-133.2.**

8 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
9 **MEANINGS INDICATED.**

10 **(2) “FACILITY” HAS THE MEANING STATED IN § 10-101 OF THE**
11 **HEALTH – GENERAL ARTICLE.**

12 **(3) “NICS INDEX” MEANS THE FEDERAL BUREAU OF**
13 **INVESTIGATION’S NATIONAL INSTANT CRIMINAL BACKGROUND CHECK**
14 **SYSTEM.**

15 **(B) (1) A COURT SHALL PROMPTLY REPORT INFORMATION**
16 **REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION THROUGH A SECURE DATA**
17 **PORTAL APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY AND**
18 **CORRECTIONAL SERVICES IF A COURT:**

19 **(I) DETERMINES THAT A PERSON IS NOT CRIMINALLY**
20 **RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;**

21 **(II) FINDS THAT A PERSON IS INCOMPETENT TO STAND**
22 **TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE; OR**

23 **(III) FINDS UNDER § 13-201(C) OR § 13-705 OF THE**
24 **ESTATES AND TRUST ARTICLE THAT A PERSON SHOULD BE UNDER THE**
25 **PROTECTION OF A GUARDIAN.**

26 **(2) ON A FINDING OR DETERMINATION UNDER PARAGRAPH (1)**
27 **OF THIS SUBSECTION, THE FOLLOWING INFORMATION SHALL BE REPORTED TO**
28 **THE NICS INDEX:**

29 **(I) THE NAME AND IDENTIFYING INFORMATION OF THE**
30 **PERSON; AND**

31 **(II) THE DATE OF THE DETERMINATION OR FINDING.**

1 **(C) (1) A FACILITY SHALL REPORT INFORMATION REQUIRED IN**
 2 **PARAGRAPH (2) OF THIS SUBSECTION REGARDING A PERSON ADMITTED TO THE**
 3 **FACILITY UNDER § 10-609 OF THE HEALTH – GENERAL ARTICLE OR**
 4 **COMMITTED TO THE FACILITY UNDER TITLE 10, SUBTITLE 6, PART III OF THE**
 5 **HEALTH – GENERAL ARTICLE TO THE NICS INDEX THROUGH A SECURE DATA**
 6 **PORTAL APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY AND**
 7 **CORRECTIONAL SERVICES, IF:**

8 **(I) THE PERSON HAS BEEN ADMITTED ~~OR COMMITTED~~ TO A**
 9 **FACILITY FOR 30 CONSECUTIVE DAYS OR MORE; OR**

10 **(II) ~~IN THE CASE OF AN INVOLUNTARY ADMISSION TO A~~**
 11 **~~FACILITY, A COURT MAKES A DETERMINATION THAT THE PERSON CANNOT~~**
 12 **~~SAFELY POSSESS A FIREARM BASED ON CREDIBLE EVIDENCE OF~~**
 13 **~~DANGEROUSNESS TO OTHERS~~ THE PERSON HAS BEEN INVOLUNTARILY**
 14 **COMMITTED TO A FACILITY.**

15 **(2) ON ADMISSION TO A FACILITY THE FOLLOWING INFORMATION**
 16 **SHALL BE REPORTED TO THE NICS INDEX:**

17 **(I) THE NAME AND IDENTIFYING INFORMATION OF THE**
 18 **PERSON ADMITTED OR COMMITTED;**

19 **(II) THE DATE THE PERSON WAS ADMITTED OR COMMITTED**
 20 **TO THE FACILITY; AND**

21 **(III) THE NAME OF THE FACILITY TO WHICH THE PERSON**
 22 **WAS ADMITTED OR COMMITTED.**

23 **5-133.3.**

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

26 **(B) A PERSON SUBJECT TO A REGULATED FIREARMS**
 27 **DISQUALIFICATION UNDER § 5-133(B)(6), (7), (8), ~~OR (9)~~ (9), (10), ~~OR (11)~~ (11),**
 28 **OR (12) OF THIS SUBTITLE OR A RIFLE OR SHOTGUN DISQUALIFICATION UNDER**
 29 **§ 5-205(B)(6), (7), (8), (9), (10), ~~OR (11)~~ (11), OR (12) OF THIS TITLE MAY BE**
 30 **AUTHORIZED TO POSSESS A FIREARM IF:**

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

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

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

6 **(D) (1) AN APPLICANT SHALL PROVIDE COMPLETE AND ACCURATE**
7 **DATA ON ALL INFORMATION REQUIRED IN AN APPLICATION UNDER THIS**
8 **SECTION.**

9 **(2) THE APPLICANT SHALL INCLUDE THE FOLLOWING**
10 **INFORMATION IN THE APPLICATION:**

11 **(I) THE REASON WHY THE APPLICANT IS PROHIBITED FROM**
12 **POSSESSING A ~~REGULATED~~ FIREARM UNDER § 5-133(B)(6), (7), (8), ~~OR (9)~~ (9),**
13 **(10), ~~OR (11)~~ (11), OR (12) OF THIS SUBTITLE OR A RIFLE OR SHOTGUN UNDER §**
14 **5-205(B)(6), (7), (8), (9), (10), ~~OR (11)~~ (11), OR (12) OF THIS TITLE AND WHY**
15 **THE APPLICANT SHOULD BE RELIEVED FROM THAT PROHIBITION;**

16 **(II) A CERTIFICATE ON A FORM APPROVED BY THE HEALTH**
17 **DEPARTMENT AND SIGNED BY AN INDIVIDUAL LICENSED IN THE STATE AS A**
18 **PHYSICIAN WHO IS BOARD CERTIFIED IN PSYCHIATRY OR AS A PSYCHOLOGIST**
19 **~~AND LISTED IN THE NATIONAL REGISTER OF HEALTH SERVICE PROVIDERS IN~~**
20 **~~PSYCHOLOGY~~ THAT PROVIDES:**

21 **1. THAT THE CERTIFICATE WAS ISSUED WITHIN 30**
22 **DAYS OF THE DATE OF THE FILING OF THE PETITION;**

23 **2. THAT THE APPLICANT HAS BEEN EVALUATED AND**
24 **THE SIGNATORY REASONABLY BELIEVES THAT THE APPLICANT IS COMPETENT**
25 **TO UNDERSTAND AND COMPLY WITH THE RULES, REGULATIONS, AND LAW**
26 **GOVERNING FIREARM OWNERSHIP AND POSSESSION AND THE RISKS AND**
27 **RESPONSIBILITIES INHERENT TO FIREARM OWNERSHIP;**

28 **3. THAT THERE IS NO REASON TO BELIEVE THAT THE**
29 **PERSON WILL BECOME INCOMPETENT IN THE FORESEEABLE FUTURE;**

30 **4. AN OPINION AS TO WHETHER THE APPLICANT**
31 **WILL BE LIKELY TO ACT IN A MANNER THAT IS DANGEROUS TO SELF OR PUBLIC**
32 **SAFETY; AND**

33 **5. AN OPINION ON WHETHER GRANTING A ~~FIREARM~~**
34 **HANDGUN QUALIFICATION LICENSE UNDER ~~§ 5-117~~ § 5-117.1 OF THIS**

1 SUBTITLE OR AUTHORIZING A PERSON TO POSSESS A RIFLE OR SHOTGUN
2 WOULD BE CONTRARY TO THE PUBLIC INTEREST;

3 (III) A SIGNED AUTHORIZATION, ON A FORM APPROVED BY
4 THE HEALTH DEPARTMENT ALLOWING THE HEALTH DEPARTMENT TO ACCESS
5 ALL RELEVANT HEALTH CARE, MENTAL HEALTH, DISABILITY, GUARDIANSHIP,
6 AND CRIMINAL JUSTICE RECORDS, INCLUDING COURT ORDERED OR REQUIRED
7 MENTAL HEALTH RECORDS, OF THE APPLICANT FOR USE WITH THE
8 DISQUALIFICATION AND HEARING PROCESS;

9 (IV) THREE STATEMENTS ON A FORM DESIGNATED BY THE
10 HEALTH DEPARTMENT ATTESTING TO THE APPLICANT'S REPUTATION AND
11 CHARACTER RELEVANT TO FIREARM OWNERSHIP OR POSSESSION; AND

12 (V) ANY OTHER INFORMATION REQUIRED BY THE HEALTH
13 DEPARTMENT.

14 (3) (I) AT LEAST TWO OF THE STATEMENTS REQUIRED UNDER
15 PARAGRAPH (2)(IV) OF THIS SUBSECTION SHALL BE PROVIDED BY AN
16 INDIVIDUAL WHO IS NOT RELATED TO THE APPLICANT.

17 (II) STATEMENTS PROVIDED UNDER PARAGRAPH (2)(IV) OF
18 THIS SUBSECTION MUST BE SIGNED AND DATED WITHIN 30 DAYS OF
19 SUBMISSION TO THE HEALTH DEPARTMENT AND PROVIDE CONTACT
20 INFORMATION FOR EACH INDIVIDUAL PROVIDING A STATEMENT.

21 (4) IF THE APPLICANT IS PROHIBITED FROM FIREARM
22 OWNERSHIP UNDER ~~§ 5-133(B)(9)~~ ~~§ 5-133(B)(11)~~ § 5-133(B)(12) OF THIS
23 SUBTITLE OR § 5-205(B)(11) § 5-205(B)(12) OF THIS TITLE, THE FOLLOWING
24 ADDITIONAL INFORMATION SHALL BE INCLUDED IN AN APPLICATION FOR
25 RELIEF FROM THE PROHIBITION:

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

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

32 (5) IF THE APPLICANT IS PROHIBITED FROM FIREARM
33 OWNERSHIP UNDER § 5-133(B)(6), (7), ~~OR (8)~~ (8), (9), ~~OR (10)~~ (10), OR (11) OF
34 THIS SUBTITLE OR § 5-205(B)(6), (7), (8), (9), ~~OR (10)~~ (10), OR (11) OF THIS

1 TITLE, THE CERTIFICATE REQUIRED UNDER PARAGRAPH (2)(II) OF THIS
2 SUBSECTION SHALL ALSO INCLUDE:

3 (I) AN OPINION AS TO WHETHER THE APPLICANT HAS
4 SYMPTOMS OF A MENTAL DISORDER OR DEVELOPMENTAL DISABILITY THAT
5 CAUSES THE APPLICANT TO BE A DANGER TO SELF OR OTHERS;

6 (II) IF THE APPLICANT HAS NO SYMPTOMS THAT CAUSE THE
7 APPLICANT TO BE A DANGER, HOW MANY MONTHS THE APPLICANT HAS NOT HAD
8 SYMPTOMS OF A MENTAL DISORDER OR DEVELOPMENTAL DISABILITY THAT
9 CAUSED THE APPLICANT TO BE A DANGER TO SELF OR OTHERS;

10 (III) THE TIME PERIOD THE APPLICANT HAS BEEN
11 COMPLIANT WITH TREATMENT RECOMMENDATIONS FOR THE INDIVIDUAL'S
12 MENTAL ILLNESS;

13 (IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ALL
14 MENTAL HEALTH PROVIDERS OR SERVICE PROVIDERS SEEN WITHIN THE LAST
15 12 MONTHS;

16 (V) IF THE APPLICANT WAS FOUND NOT GUILTY BY REASON
17 OF INSANITY OR NOT CRIMINALLY RESPONSIBLE, A STATEMENT ATTESTING TO
18 WHETHER THE APPLICANT IS ON CONDITIONAL RELEASE UNDER § 3-114 OF THE
19 CRIMINAL PROCEDURE ARTICLE; AND

20 (VI) IF THE APPLICANT WAS FOUND NOT COMPETENT TO
21 STAND TRIAL AND DANGEROUS, A WRITTEN STATEMENT REGARDING THE
22 STATUS OF THE RELATED CRIMINAL CHARGE.

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

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

27 (2) THE APPLICATION IS NOT PROPERLY COMPLETED; OR

28 (3) ON REVIEW OF THE APPLICATION AND SUPPORTING
29 DOCUMENTATION AND ANY OTHER INFORMATION RELATING TO THE
30 APPLICATION REQUESTED BY THE HEALTH DEPARTMENT, THE APPLICANT HAS
31 NOT SHOWN BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT WILL
32 BE UNLIKELY TO ACT IN A MANNER DANGEROUS TO SELF OR PUBLIC SAFETY
33 AND THAT GRANTING A PERMIT TO POSSESS A REGULATED FIREARM OR

1 AUTHORIZING THE POSSESSION OF A RIFLE OR SHOTGUN WOULD NOT BE
2 CONTRARY TO THE PUBLIC INTEREST.

3 (F) (1) IF THE HEALTH DEPARTMENT DETERMINES THAT THE
4 APPLICATION SHALL BE APPROVED ON REVIEW UNDER SUBSECTION (E)(3) OF
5 THIS SECTION, THE HEALTH DEPARTMENT SHALL PROVIDE THE APPLICANT
6 WITH A CERTIFICATE AFFIRMING THE APPLICANT'S MENTAL COMPETENCE TO
7 POSSESS A ~~REGULATED~~ FIREARM.

8 (2) A CERTIFICATE UNDER THIS SUBSECTION SHALL BE
9 PRESENTED TO THE DEPARTMENT OF STATE POLICE AS EVIDENCE OF THE
10 APPLICANT'S ELIGIBILITY TO POSSESS A ~~REGULATED~~ FIREARM.

11 (G) AN APPLICANT WHO IS AGGRIEVED BY THE ACTION OF THE HEALTH
12 DEPARTMENT MAY REQUEST A HEARING BY WRITING TO THE SECRETARY OF
13 HEALTH AND MENTAL HYGIENE WITHIN 30 DAYS AFTER THE HEALTH
14 DEPARTMENT MAILES THE DECISION TO THE APPLICANT.

15 (H) THE HEARING SHALL BE HELD IN ACCORDANCE WITH TITLE 10,
16 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE WITHIN 60 DAYS AFTER THE
17 HEALTH DEPARTMENT RECEIVES THE REQUEST.

18 (I) IF THE APPLICANT REQUESTS A HEARING, THE ADMINISTRATIVE
19 LAW JUDGE SHALL CONDUCT A HEARING AT WHICH THE APPLICANT MAY
20 TESTIFY AND PROVIDE OTHER EVIDENCE.

21 (J) AT A HEARING, THE APPLICANT IS REQUIRED TO PROVIDE
22 EVIDENCE THAT:

23 (1) THE APPLICANT DOES NOT HAVE SYMPTOMS OF A MENTAL
24 DISORDER THAT WOULD CAUSE THE APPLICANT TO BE A DANGER TO SELF OR
25 OTHERS AND HAS NOT HAD SYMPTOMS OF A MENTAL DISORDER FOR AT LEAST 6
26 MONTHS;

27 (2) THE APPLICANT DOES NOT HAVE A MENTAL DISORDER OR
28 MENTAL HEALTH CONDITION THAT PREVENTS THE APPLICANT FROM
29 UNDERSTANDING THE RULES, REGULATIONS, AND LAWS GOVERNING FIREARM
30 OWNERSHIP AND POSSESSION, OR THE RESPONSIBILITIES AND RISKS INVOLVED
31 IN FIREARM OWNERSHIP AND POSSESSION;

32 (3) THE APPLICANT IS NOT LIKELY TO ACT IN A MANNER
33 DANGEROUS TO PUBLIC SAFETY;

1 (4) GRANTING RELIEF WOULD NOT BE CONTRARY TO PUBLIC
2 INTEREST; AND

3 (5) THE APPLICANT IS NOT OTHERWISE PROHIBITED FROM
4 OWNING OR POSSESSING A FIREARM.

5 (K) AT A HEARING UNDER THIS SECTION, THE HEALTH DEPARTMENT IS
6 A PARTY AND SHALL PROVIDE EVIDENCE REGARDING:

7 (1) THE CIRCUMSTANCES UNDER WHICH THE FIREARMS
8 PROHIBITION WAS IMPOSED UNDER STATE OR FEDERAL LAW; AND

9 (2) THE APPLICANT'S RECORD, INCLUDING THE APPLICANT'S
10 MENTAL HEALTH AND CRIMINAL HISTORY RECORDS.

11 (L) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE APPLICANT
12 HAS MET, BY CLEAR AND CONVINCING EVIDENCE, THE STANDARDS OF
13 SUBSECTION (J) OF THIS SECTION THE ADMINISTRATIVE LAW JUDGE SHALL:

14 (1) ISSUE A WRITTEN DETERMINATION THAT THE APPLICANT IS
15 RELIEVED FROM THE FIREARMS DISQUALIFICATION IMPOSED BY 18 U.S.C. §
16 922(D)(4) AND (G)(4) AND § 5-133(B)(6), (7), (8), ~~OR (9) (9), (10), OR (11) (11),~~
17 OR (12) OF THIS SUBTITLE OR § 5-205(B)(6), (7), (8), (9), (10), OR (11) (11), OR
18 (12) OF THIS TITLE; AND

19 (2) PROVIDE TO THE NICS INDEX, THROUGH A SECURE DATA
20 PORTAL APPROVED BY THE DEPARTMENT OF ~~STATE POLICE~~ PUBLIC SAFETY
21 AND CORRECTIONAL SERVICES;

22 (I) THE NAME AND IDENTIFYING INFORMATION OF THE
23 APPLICANT; AND

24 (II) THE DATE OF THE DETERMINATION.

25 (M) AN APPLICANT OR THE HEALTH DEPARTMENT MAY SEEK JUDICIAL
26 REVIEW OF A DETERMINATION OF THE ADMINISTRATIVE LAW JUDGE ON AN
27 APPLICATION UNDER THIS SECTION FOR RELIEF FROM A FIREARMS
28 PROHIBITION IN ACCORDANCE WITH §§ 10-222 AND 10-223 OF THE STATE
29 GOVERNMENT ARTICLE.

30 (N) AFTER A DETERMINATION ON THE MERITS OF A HEARING
31 REQUESTED UNDER THIS SECTION, AN APPLICANT MAY NOT REQUEST A
32 SUBSEQUENT HEARING WITHIN 1 YEAR AFTER THE COMPLETION OF THE

1 HEARING PROCESS AND ANY JUDICIAL REVIEW OF THE ADMINISTRATIVE
2 DECISION.

3 (O) THE HEALTH DEPARTMENT SHALL ENTER INTO A MEMORANDUM
4 OF UNDERSTANDING WITH THE DEPARTMENT OF STATE POLICE TO ASSIST IN
5 CLINICAL CONSULTATION AND IMPLEMENTATION OF THIS SECTION.

6 5-143.

7 (A) (1) A PERSON WHO MOVES INTO THE STATE WITH THE INTENT OF
8 BECOMING A RESIDENT SHALL REGISTER ALL REGULATED FIREARMS WITH THE
9 SECRETARY WITHIN 30 DAYS AFTER ESTABLISHING RESIDENCY.

10 (2) THE SECRETARY SHALL PREPARE AND, ON REQUEST OF AN
11 APPLICANT, PROVIDE AN APPLICATION FORM FOR REGISTRATION UNDER THIS
12 SECTION.

13 (B) AN APPLICATION FOR REGISTRATION UNDER THIS SECTION SHALL
14 CONTAIN:

15 (1) THE MAKE, MODEL, MANUFACTURER'S SERIAL NUMBER,
16 CALIBER, TYPE, BARREL LENGTH, FINISH, AND COUNTRY OF ORIGIN OF THE
17 REGULATED FIREARM; AND

18 (2) THE FIREARM APPLICANT'S NAME, ADDRESS, SOCIAL
19 SECURITY NUMBER, PLACE AND DATE OF BIRTH, HEIGHT, WEIGHT, RACE, EYE
20 AND HAIR COLOR, SIGNATURE, DRIVER'S OR PHOTOGRAPHIC IDENTIFICATION
21 SOUNDEX NUMBER, AND OCCUPATION.

22 (C) EACH APPLICATION FOR REGISTRATION FILED WITH THE
23 SECRETARY OF STATE POLICE SHALL BE ACCOMPANIED BY A NONREFUNDABLE
24 REGISTRATION FEE OF \$15.

25 (D) REGISTRATION DATA PROVIDED UNDER THIS SECTION IS NOT OPEN
26 TO PUBLIC INSPECTION.

27 [5-143.] 5-144.

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

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

32 (2) knowingly violate § 5-142 of this subtitle.

1 (b) A person who violates this section is guilty of a misdemeanor and on
2 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
3 \$10,000 or both.

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

5 **5-145.**

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

9 **(2) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING:**

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

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

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

15 **(3) THE RECORDS SHALL INCLUDE:**

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

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

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

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

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

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

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

7 **(D) (1) A LICENSEE SHALL RESPOND WITHIN 48 HOURS AFTER**
8 **RECEIPT OF A REQUEST FROM THE SECRETARY FOR INFORMATION CONTAINED**
9 **IN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION WHEN THE**
10 **INFORMATION IS REQUESTED IN CONNECTION WITH A BONA FIDE CRIMINAL**
11 **INVESTIGATION.**

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

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

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

23 **(F) THE SECRETARY:**

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

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

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

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

1 5-205.

2 (A) THIS SUBTITLE DOES NOT APPLY TO A RIFLE OR SHOTGUN THAT IS
3 AN ANTIQUE FIREARM AS DEFINED IN § 4-201 OF THE CRIMINAL LAW ARTICLE.

4 (B) A PERSON MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON:

5 (1) HAS BEEN CONVICTED OF A DISQUALIFYING CRIME AS
6 DEFINED IN § 5-101 OF THIS TITLE;

7 (2) HAS BEEN CONVICTED OF A VIOLATION CLASSIFIED AS A
8 CRIME UNDER COMMON LAW AND RECEIVED A TERM OF IMPRISONMENT OF
9 MORE THAN 2 YEARS;

10 (3) IS A FUGITIVE FROM JUSTICE;

11 (4) IS A HABITUAL DRUNKARD AS DEFINED IN § 5-101 OF THIS
12 TITLE;

13 (5) IS ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE OR
14 IS A HABITUAL USER AS DEFINED IN § 5-101 OF THIS TITLE;

15 (6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN §
16 10-101(F)(2) OF THE HEALTH - GENERAL ARTICLE AND HAS A HISTORY OF
17 VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER, UNLESS THE PERSON
18 HAS A PHYSICIAN'S CERTIFICATE THAT THE PERSON IS CAPABLE OF
19 POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON
20 OR TO ANOTHER;

21 (7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER §
22 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

23 (8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER §
24 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

25 (9) ~~HAS BEEN~~ BEFORE OCTOBER 1, 2013, WAS VOLUNTARILY
26 ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED
27 IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;

28 (10) HAS BEEN ADMITTED TO A FACILITY AS DEFINED IN § 10-101
29 OF THE HEALTH - GENERAL ARTICLE AS THE RESULT OF AN EMERGENCY
30 EVALUATION UNDER § 10-622 OF THE HEALTH - GENERAL ARTICLE, UNLESS
31 THE PERSON HAS A CERTIFICATE FROM THE FACILITY THAT THE PERSON IS

1 CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO
 2 THE PERSON OR TO ANOTHER;

3 ~~(10)~~ (11) HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY
 4 AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

5 ~~(11)~~ (12) IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED
 6 BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS
 7 ARTICLE;

8 ~~(6)~~ ~~(12)~~ (13) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS
 9 SECTION, IS A RESPONDENT AGAINST WHOM:

10 (I) A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER
 11 HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

12 (II) AN ORDER FOR PROTECTION, AS DEFINED IN §
 13 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF
 14 ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT; OR

15 ~~(7)~~ ~~(13)~~ (14) IF UNDER THE AGE OF 30 YEARS AT THE TIME OF
 16 POSSESSION, HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR
 17 AN ACT THAT WOULD BE A DISQUALIFYING CRIME IF COMMITTED BY AN ADULT.

18 ~~[(a)] (C)~~ ~~Unless the person possesses a physician's certificate that the~~
 19 ~~person is capable of possessing a rifle or shotgun without undue danger to the person~~
 20 ~~or to another, a person may not possess a rifle or shotgun if the person:~~

21 ~~(1)~~ ~~suffers from a mental disorder as defined in § 10-101(f)(2) of the~~
 22 ~~Health – General Article and has a history of violent behavior against the person or~~
 23 ~~another; or~~

24 ~~(2)~~ ~~has been confined for more than 30 consecutive days in a facility as~~
 25 ~~defined in § 10-101 of the Health – General Article.~~

26 ~~(D)~~ (C) THIS SECTION DOES NOT APPLY TO A PERSON TRANSPORTING
 27 A RIFLE OR SHOTGUN IF THE PERSON IS CARRYING A CIVIL PROTECTIVE ORDER
 28 REQUIRING THE SURRENDER OF THE RIFLE OR SHOTGUN AND:

29 (1) THE RIFLE OR SHOTGUN IS UNLOADED;

30 (2) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT,
 31 BARRACKS, OR STATION THAT THE RIFLE OR SHOTGUN IS BEING TRANSPORTED
 32 IN ACCORDANCE WITH THE CIVIL PROTECTIVE ORDER; AND

1 **(3) THE PERSON TRANSPORTS THE RIFLE OR SHOTGUN DIRECTLY**
2 **TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

3 **[(b)] ~~(D)~~ (D)** A person who violates this section is guilty of a misdemeanor and
4 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
5 \$1,000 or both.

6 **(E) A PERSON WHO IS DISQUALIFIED FROM OWNING A RIFLE OR**
7 **SHOTGUN UNDER SUBSECTION (B)(6), (7), (8), (9), (10), OR (11) OF THIS**
8 **SECTION MAY SEEK RELIEF FROM THE DISQUALIFICATION IN ACCORDANCE**
9 **WITH § 5-133.3 OF THIS TITLE.**

10 5-206.

11 (a) A person may not possess a rifle or shotgun if the person was previously
12 convicted of:

13 (1) a crime of violence **AS DEFINED IN § 5-101 OF THIS TITLE;**

14 (2) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613,
15 or § 5-614 of the Criminal Law Article; or

16 (3) an offense under the laws of another state or the United States
17 that would constitute one of the crimes listed in item (1) or (2) of this subsection if
18 committed in this State.

19 (b) A person who violates this section is guilty of a felony and on conviction is
20 subject to imprisonment not exceeding 15 years.

21 (c) Each violation of this subsection is a separate crime.

22 5-301.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) “Board” means the Handgun Permit Review Board.

25 (c) “Handgun” has the meaning stated in § 4-201 of the Criminal Law
26 Article.

27 (d) “Permit” means a permit issued by the Secretary to carry, wear, or
28 transport a handgun.

29 **(E) “QUALIFIED HANDGUN INSTRUCTOR” HAS THE MEANING STATED IN**
30 **§ 5-101 OF THIS TITLE.**

1 [(e)] (F) “Secretary” means the Secretary of State Police or the Secretary’s
2 designee.

3 5–306.

4 (a) Subject to subsection [(b)] (C) of this section, the Secretary shall issue a
5 permit within a reasonable time to a person who the Secretary finds:

6 (1) is an adult;

7 (2) (i) has not been convicted of a felony or of a misdemeanor for
8 which a sentence of imprisonment for more than 1 year has been imposed; or

9 (ii) if convicted of a crime described in item (i) of this item, has
10 been pardoned or has been granted relief under 18 U.S.C. § 925(c);

11 (3) has not been convicted of a crime involving the possession, use, or
12 distribution of a controlled dangerous substance;

13 (4) is not presently an alcoholic, addict, or habitual user of a controlled
14 dangerous substance unless the habitual use of the controlled dangerous substance is
15 under legitimate medical direction; [and]

16 (5) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
17 **HAS SUCCESSFULLY COMPLETED PRIOR TO APPLICATION AND EACH RENEWAL,**
18 **A FIREARMS TRAINING COURSE APPROVED BY THE SECRETARY THAT**
19 **INCLUDES:**

20 (I) **1. FOR AN INITIAL APPLICATION, A MINIMUM OF 16**
21 **HOURS OF INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR; OR**

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

24 (II) **CLASSROOM INSTRUCTION ON:**

25 **1. STATE FIREARM LAW;**

26 **2. HOME FIREARM SAFETY; AND**

27 **3. HANDGUN MECHANISMS AND OPERATION; AND**

28 (III) **A FIREARMS QUALIFICATION COMPONENT THAT**
29 **DEMONSTRATES THE APPLICANT’S PROFICIENCY AND USE OF THE FIREARM;**
30 **AND**

1 **[(5)] (6)** based on an investigation:

2 (i) has not exhibited a propensity for violence or instability that
3 may reasonably render the person's possession of a handgun a danger to the person or
4 to another; and

5 (ii) has good and substantial reason to wear, carry, or transport
6 a handgun, such as a finding that the permit is necessary as a reasonable precaution
7 against apprehended danger.

8 **(B) AN APPLICANT FOR A PERMIT IS NOT REQUIRED TO COMPLETE A
9 CERTIFIED FIREARMS TRAINING COURSE UNDER SUBSECTION (A) OF THIS
10 SECTION IF THE APPLICANT:**

11 **(1) IS A LAW ENFORCEMENT OFFICER OR A PERSON WHO IS
12 RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT
13 AGENCY OF THE UNITED STATES, THE STATE, OR ANY LOCAL LAW
14 ENFORCEMENT AGENCY IN THE STATE;**

15 **(2) IS A MEMBER ~~OR~~, RETIRED MEMBER, OR HONORABLY
16 DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE
17 NATIONAL GUARD;~~OR;~~**

18 **(3) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:**

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

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

23 **(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A
24 NATIONAL ORGANIZATION; OR**

25 **~~(3)~~ (4) HAS COMPLETED A FIREARMS TRAINING COURSE
26 APPROVED BY THE SECRETARY.**

27 **[(b)] (C)** An applicant under the age of 30 years is qualified only if the
28 Secretary finds that the applicant has not been:

29 (1) committed to a detention, training, or correctional institution for
30 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile
31 court; or

- 1 (2) adjudicated delinquent by a juvenile court for:
- 2 (i) an act that would be a crime of violence if committed by an
3 adult;
- 4 (ii) an act that would be a felony in this State if committed by
5 an adult; or
- 6 (iii) an act that would be a misdemeanor in this State that
7 carries a statutory penalty of more than 2 years if committed by an adult.

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.