

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 90
Judiciary

(Delegate Simmons)

Regulated Firearms - Disqualifying Crime - Domestically Related Crime

This bill specifies that the definition of the phrase “convicted of a disqualifying crime,” under provisions relating to the regulation of firearms, includes a case in which a person received probation before judgment (PBJ) for a crime of violence other than second degree assault. The bill also modifies the definition of “disqualifying crime” to include a domestically related crime.

Fiscal Summary

State Effect: None. The bill generally clarifies current law.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law/Background: The Firearm Safety Act of 2013 (Chapter 427) modified and expanded the regulation of firearms, firearms dealers, and ammunition in Maryland and made changes to related mental health restrictions on the possession of firearms. Among other things, the Act extended the scope of assault pistol prohibitions to all assault weapons, created a new licensing scheme for handguns under the authority of the Department of State Police, and imposed restrictions on ammunition.

This bill makes two changes to definitional provisions applicable to firearms disqualification laws to clarify Chapter 427. The first change modifies the definition of “convicted of a disqualifying crime” to clarify that a PBJ for second degree assault,

where the circumstances of the crime do not involve domestic violence, does not disqualify the person from firearms possession. The current statutory language of Chapter 427 is ambiguous as to whether the exclusion applies to PBJs for all second degree assaults or just second degree assaults that are not domestically related.

The second change modifies the definition of “disqualifying crime” to include a domestically related crime. This change provides that any *conviction* of a domestically related crime serves as a firearms possession disqualifier, to be consistent with the requirement that a *PBJ* for a domestically related crime is a firearms possession disqualifier.

A “domestically related crime” (under § 6-233 of the Criminal Procedure Article) is a crime committed by a defendant against a victim who is a “person eligible for relief” (under § 4-501 of the Family Law Article), or is a person who had a sexual relationship with the defendant within 12 months before the commission of the crime.

Under the applicable provisions of the Family Law Article, a “person eligible for relief” includes (1) the current or former spouse of the respondent; (2) a cohabitant of the respondent; (3) a person related to the respondent by blood, marriage, or adoption; (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within one year before the filing of the petition; (5) a vulnerable adult; or (6) an individual who has a child in common with the respondent.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, State’s Attorneys’ Association, Department of State Police, Department of Legislative Services

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