HOUSE BILL 719

E4 4lr2083

By: **Delegates Smigiel, Afzali, McDermott, W. Miller, and Schulz**
Introduced and read first time: January 31, 2014
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Public Safety – Firearms – Probation Before Judgment

FOR the purpose of altering the definition of "convicted of a disqualifying crime" to allow a person who has received probation before judgment to possess a regulated firearm, rifle, or shotgun and to become a firearm dealer and to allow a dealer or other person to sell, rent, or transfer a regulated firearm to a person who has received probation before judgment; and generally relating to probation before judgment and firearms.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–101(b–1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–107(b)(4), 5–133(b)(1), 5–134(b)(2), and 5–205(b)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

5–101.

(b–1) **[**(1) "Convicted of a disqualifying crime" includes:

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

(i) a case in which a person received probation before judgment for a crime of violence; and

(ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6–233 of the Criminal Procedure Article.

(2)**]** "Convicted of a disqualifying crime" does not include a case in which a person received **[**a**]** probation before judgment**[**:

(i) for assault in the second degree; or

(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article**]**.

5–107.

(b) An application for a dealer's license shall contain:

(4) a statement by the applicant that the applicant:

(i) is a citizen of the United States;

(ii) is at least 21 years old;

(iii) has never been convicted of a disqualifying crime;

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

(v) is not a fugitive from justice;

(vi) is not a habitual drunkard;

(vii) is not addicted to a controlled dangerous substance or is not a habitual user; and

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

5–133.

(b) Subject to § 5–133.3 of this subtitle, a person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

5–134.

(b) A dealer or other person may not sell, rent, or transfer a regulated firearm to a purchaser, lessee, or transferee who the dealer or other person knows or has reasonable cause to believe:

(2) has been convicted of a disqualifying crime;

5–205.

(b) A person may not possess a rifle or shotgun if the person:

(1) has been convicted of a disqualifying crime as defined in § 5–101 of this title;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.