

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 703
Judiciary

(Delegate A. Miller, *et al.*)

Public Safety - Firearms Disqualifications - Antique Firearm

This bill adds an “*antique firearm*” to the definition of “firearm” for general provisions of law relating to firearms. In addition, the bill applies the prohibitions that disqualify a person from possessing a rifle or a shotgun to an *antique firearm*.

Fiscal Summary

State Effect: None. The bill’s changes can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal or none.

Analysis

Current Law: Generally, a person is prohibited from possessing a rifle or a shotgun, with the exception of an antique firearm, if the person:

- has been convicted of a disqualifying crime;
- has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than two years;
- is a fugitive from justice;
- is a habitual drunkard;
- is addicted to a controlled dangerous substance or is a habitual user;

- suffers from a mental disorder and has a history of violent behavior against the person or another;
- has been found incompetent to stand trial;
- has been found not criminally responsible;
- has been voluntarily admitted for more than 30 consecutive days to a facility that provides treatment or other services for mental disorders;
- has been involuntarily committed to a facility that provides treatment or other services for mental disorders;
- is under the protection of a guardian of the person or property of a disabled person appointed by a court, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- is a respondent against whom a current non ex parte civil protective order has been entered in this State or an order for protection has been issued by a court of another state or a Native American tribe and is in effect; or
- if younger than age 30 at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

In addition, a person is prohibited from possessing a rifle or a shotgun if the person was previously convicted of (1) a crime of violence; (2) a violation of specified controlled dangerous substances law; (3) an offense under the laws of another state or the United States that would constitute one of these crimes if committed in this State.

Generally, provisions of the Public Safety Article relating to *regulated firearms* do not apply to the sale, transfer, or possession of an *antique firearm*. A regulated firearm is any handgun or any of the 45 assault weapons (or copies) identified under Title 5 of the Public Safety Article. The bill does not make changes to current law relating to regulated firearms.

An “antique firearm” means:

- a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or
- a replica of such a firearm that (1) is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition or (2) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Department of Legislative Services

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kb/lgc

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