

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1659
Judiciary

(Delegate Otto, *et al.*)

Public Safety - Rifles and Shotguns - Purchases

This bill authorizes a resident of Maryland who is eligible to purchase a rifle or shotgun under the laws of another state to purchase a rifle or shotgun from a federally licensed gun dealer in the other state. Likewise, a resident of another state who is eligible to purchase a rifle or shotgun under the laws of Maryland is authorized to purchase a rifle or shotgun from a federally licensed gun dealer in Maryland.

Fiscal Summary

State Effect: None. The bill pertains exclusively to private-sector activities.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Maryland regulates the sale, transfer, rental, and possession of regulated firearms, which consist of handguns and assault weapons. However, Maryland generally does not regulate the sale of rifles or shotguns, and no permit is required to purchase a rifle or shotgun that is able to be purchased in the State.

Possession of a Rifle or Shotgun

A resident of Maryland who is eligible to purchase a rifle or shotgun under the laws of an adjacent state may purchase a rifle or shotgun from a federally licensed gun dealer in the adjacent state. Likewise, a resident of an adjacent state who is eligible to purchase a rifle

or shotgun under the laws of Maryland may purchase a rifle or shotgun from a federally licensed gun dealer in Maryland. "Adjacent state" means Delaware, Pennsylvania, Virginia, or West Virginia.

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 an imprisonment term 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 or has been found not criminally responsible in a criminal case;
- has been voluntarily admitted for more than 30 consecutive days to a facility;
- has been involuntarily committed to a facility;
- is under the protection of a guardian appointed by a court under specified provisions of the Estates and Trusts Article relating to the protection of minors and disabled persons, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- is a respondent against whom (1) a current non ex parte civil protective order has been entered or (2) a protective order 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.

Statutory restrictions on the possession of rifles and shotguns do not apply to a person transporting a rifle or shotgun if the person is carrying a civil protective order requiring the surrender of the weapon and (1) the rifle or shotgun is unloaded; (2) the person has notified a law enforcement unit that it is being transported in accordance with the protective order; and (3) the person transports it directly to the law enforcement unit. A person who is disqualified from owning a rifle or shotgun for mental health reasons may seek relief under restoration provisions of statute.

In addition, a person may not possess a rifle or shotgun if the person was previously convicted of (1) a crime of violence under § 5-101 of the Public Safety Article; (2) a

violation of specified felonies involving a controlled dangerous substance; or (3) an offense under the laws of another state or the United States that would constitute one of the crimes listed in the provisions of (1) or (2) if committed in this State.

Background: Rifle and shotgun sales are regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives. Before approval for a rifle or shotgun sale, the firearm dealer contacts the Federal Bureau of Investigation through the National Instant Check System for a background check. The dealer generally receives an approval or denial notice within 20 minutes. The Department of State Police is not notified or provided any information regarding the sale.

Additional Information

Prior Introductions: None.

Cross File: SB 789 (Senator Edwards, *et al.*) - Judicial Proceedings.

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

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md/lgc

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