SENATE BILL 74

E1, E4 8lr0866 (PRE–FILED)

By: Senator Ramirez

Requested: October 17, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

4	A TAT	AOD	•
l	AN	ACT	concerning

2 Criminal Law – Firearms Crimes – Bump Stock

- FOR the purpose of prohibiting a person from transporting a certain bump stock into the State or manufacturing, possessing, using, selling, offering to sell, transferring, purchasing, or receiving a certain bump stock; applying certain penalties; establishing a certain penalty for using a bump stock in the commission of a certain crime; defining certain terms; and generally relating to firearms crimes.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Criminal Law
- 10 Section 4–301 and 4–306
- 11 Annotated Code of Maryland
- 12 (2012 Replacement Volume and 2017 Supplement)
- 13 BY adding to
- 14 Article Criminal Law
- 15 Section 4–305.1
- 16 Annotated Code of Maryland
- 17 (2012 Replacement Volume and 2017 Supplement)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 19 That the Laws of Maryland read as follows:

20 Article – Criminal Law

- 21 4-301.
- 22 (a) In this subtitle the following words have the meanings indicated.
- 23 (b) "Assault long gun" means any assault weapon listed under § 5–101(r)(2) of the

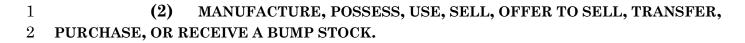


- Public Safety Article. 1 2 "Assault pistol" means any of the following firearms or a copy regardless of 3 the producer or manufacturer: 4 (1) AA Arms AP-9 semiautomatic pistol; 5 (2) Bushmaster semiautomatic pistol; Claridge HI–TEC semiautomatic pistol; 6 (3) D Max Industries semiautomatic pistol; 7 (4) 8 Encom MK-IV, MP-9, or MP-45 semiautomatic pistol; (5)9 (6)Heckler and Koch semiautomatic SP–89 pistol; 10 (7)Holmes MP-83 semiautomatic pistol; 11 (8)Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray; 12 13 (9)Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire variation; 14 (10)P.A.W.S. type semiautomatic pistol; Skorpion semiautomatic pistol; 15 (11)16 (12)Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell); 17 (13)UZI semiautomatic pistol; 18 (14)Weaver Arms semiautomatic Nighthawk pistol; or Wilkinson semiautomatic "Linda" pistol. 19 (15)"Assault weapon" means: 20 (d) 21an assault long gun; (1) 22(2)an assault pistol; or 23 (3)a copycat weapon.
- 24 (e) "BUMP STOCK" MEANS ANY PART OR COMBINATION OF PARTS THAT IS 25 DESIGNED AND FUNCTIONS TO INCREASE THE RATE OF FIRE OF AN ASSAULT 26 WEAPON BUT DOES NOT CONVERT THE ASSAULT WEAPON INTO A MACHINE GUN.

1	(F)	(1)	"Cop	ycat weapon" means:
2 3	magazine a	nd has	(i) s any tv	a semiautomatic centerfire rifle that can accept a detachable wo of the following:
4				1. a folding stock;
5				2. a grenade launcher or flare launcher; or
6				3. a flash suppressor;
7 8	the capacit	y to ac	(ii) cept mo	a semiautomatic centerfire rifle that has a fixed magazine with ore than 10 rounds;
9 10	than 29 inc	hes;	(iii)	a semiautomatic centerfire rifle that has an overall length of less
11 12	more than	10 rou	(iv) nds;	a semiautomatic pistol with a fixed magazine that can accept
13			(v)	a semiautomatic shotgun that has a folding stock; or
14			(vi)	a shotgun with a revolving cylinder.
15 16	pistol.	(2)	"Cop	ycat weapon" does not include an assault long gun or an assault
17 18 19		Ì readi	ly from	achable magazine" means an ammunition feeding device that can a a firearm without requiring disassembly of the firearm action or , including a bullet or cartridge.
20 21	[(g)] function, to	` '		sh suppressor" means a device that functions, or is intended to reduce or redirect muzzle flash from the shooter's field of vision.
22 23	[(h)] under Title	` '		ensed firearms dealer" means a person who holds a dealer's license of the Public Safety Article.
24	(J)	"MA	CHINE	E GUN" HAS THE MEANING STATED IN § 4–401 OF THIS TITLE.
25	4-305.1.			
26	A PE	ERSON	MAY N	NOT:

(1) TRANSPORT A BUMP STOCK INTO THE STATE; OR

27



- 3 4–306.
- 4 (a) Except as otherwise provided in this subtitle, a person who violates this 5 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not 6 exceeding 3 years or a fine not exceeding \$5,000 or both.
- 7 (b) (1) A person who uses an assault weapon, A BUMP STOCK, or a magazine 8 that has a capacity of more than 10 rounds of ammunition, in the commission of a felony or 9 a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or 11 crime of violence, shall be sentenced under this subsection.
- 12 (2) (i) For a first violation, the person shall be sentenced to 13 imprisonment for not less than 5 years and not exceeding 20 years.
- 14 (ii) The court may not impose less than the minimum sentence of 15 5 years.
- 16 (iii) The mandatory minimum sentence of 5 years may not be 17 suspended.
- 18 (iv) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.
- 20 (3) (i) For each subsequent violation, the person shall be sentenced to imprisonment for not less than 10 years and not exceeding 20 years.
- 22 (ii) The court may not impose less than the minimum sentence of 10 23 years.
- 24 (iii) A sentence imposed under this paragraph shall be consecutive to 25 and not concurrent with any other sentence imposed for the felony or crime of violence.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.