



## **Senate Bill 0775 Public Safety - Gun Buyback Programs - Destruction of Firearms Unfavorable**

In its current posture, Senate Bill 775 includes Federal Firearms License (FFL) holders in the provisions of a gun buyback. There is no logical reason to include FFLs for the following reasons:

1. There is no financial incentive for an FFL to participate in a buyback (even presuming some other entity is funding the buyback).
2. Federal law requires every firearm taken in by the FFL be recorded in the FFL's Acquisition and Disposition book (A&D).
3. Every firearm relinquished for destruction would also have to be recorded in the FFL's Acquisition and Disposition book (A&D).
4. The FFL would likely have to pay for the complete destruction each firearm.
5. The penalty provisions create legal exposure for the FFL with no commensurate financial return.
6. FFLs have no mechanism whereby they can access the NCIC database to determine if a buyback firearm has been reported lost or stolen.

For these reasons, all references of FFLs should be stricken from the bill as a matter of sound statutory and public policy.

The penalty provisions in §5-904 are moot unless some independent law enforcement agency is responsible for monitoring the flow of buyback firearms from point of surrender to the point of destruction. This will involve additional enforcement costs, none of which are addressed in the fiscal note.

Gun buybacks in Maryland invariably involve a law enforcement agency. This creates an enforcement issue. Public Safety §5-303 requires that a person have a wear and carry permit to transport a handgun. Absent a wear and carry permit, a person transporting a handgun to a gun buyback is in violation of Criminal Law §4-203 which contains very limited exceptions to §5-303 as to where a person can transport a handgun without a permit. A gun buyback is not listed as an exception. (see attached §5-303 & §4-203)

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Briefly stated, the exceptions for transporting a handgun without having a valid wear and carry permit are:

1. From home to a shooting range and back.
2. To and from a place of legal purchase or sale (statute is silent on "selling" at a buyback as a sale but it could be construed to apply).
3. To and from a repair shop.
4. Between residences.
5. Between residence and business if business is owned or operated.
6. To and from a formal shoot.
7. To and from formal or informal target practice.
8. To and from hunting.
9. To and From DNR training classes.

It is also illegal to transport a firearm of any type on any form of public transportation as such activities are prohibited under the Transportation Article. (see attached §7-705)

Buybacks present an interesting public policy problem. By participating in gun buyback events, law enforcement agencies become complicit in a crime each time a citizen who does not have valid Maryland wear and carry permit turns in a handgun after transporting the handgun in violation of Criminal Law §4-203.

We urge an unfavorable report on Senate Bill 0775 as currently written.

Respectfully,

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03/03/2026

Attachments: (3)

## Article - Public Safety

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§5–303.

A person shall have a permit issued under this subtitle before the person carries, wears, or transports a handgun.

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§4–203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full-time assistant or deputy sheriff of the State; or

(vi) a temporary or part-time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 5 years or a fine of not less than \$250 and not exceeding \$2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3) (i) If the person has previously been convicted once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State’s Attorney notifies the defendant in writing at least 30 days before trial of the State’s intention to seek the mandatory minimum sentence.

(4) (i) If the person has previously been convicted more than once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

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§7–705.

(a) It is unlawful for any person entering a transit facility or transit vehicle owned or controlled by the Administration for the purpose of obtaining transit service or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service to:

(1) Fail to pay the applicable fare charged by the Administration in the required manner; or

(2) Fail to:

(i) Pay the applicable fare;

(ii) Exhibit proof of payment; or

(iii) Provide truthful identification.

(b) It is unlawful for any person to engage in any of the following acts in any transit vehicle or transit facility, designed for the boarding of a transit vehicle, which is owned or controlled by the Administration or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service:

(1) Expectorate;

(2) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

(3) Consume food or drink, or carry any open food or beverage container;

(4) Discard litter, except into receptacles designated for that purpose;

(5) Play or operate any radio, cassette, cartridge, tape player, or similar electronic device or musical instruments, unless such device is connected to an earphone that limits the sound to the hearing of the individual user;

(6) Carry or possess any explosives, acids, concealed weapons or other dangerous articles;

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