
By: Delegates Goldwater, Kopp, and Grosfeld

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Pistols and Revolvers - Sale, Transfer, and Possession - Stalking**

3 FOR the purpose of prohibiting the sale or transfer of a pistol or revolver to or possession
4 of a pistol or revolver by a person who has been convicted of or is currently charged
5 with stalking; making stylistic changes; and generally relating to the sale, transfer,
6 and possession of pistols and revolvers.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 445
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 445.

16 (a) All restrictions imposed by the laws, ordinances or regulations of all
17 subordinate jurisdictions within the State of Maryland on possession or transfers by
18 private parties of pistols and revolvers are superseded by this section and the State of
19 Maryland hereby preempts the right of such jurisdictions to regulate the possession and
20 transfer of pistols and revolvers.

21 (b) A dealer or person may not sell or transfer a pistol or revolver to a person
22 whom he knows or has reasonable cause to believe [has]:

23 (1) HAS been convicted of [a]:

24 (I) A crime of violence[, or of a]; OR

25 (II) A violation of any of the provisions of § 286, § 286A, or § 286C of
26 this article, or any conspiracy to commit any crimes established by those sections or of any
27 of the provisions of this subtitle[, or is];

28 (2) HAS BEEN CONVICTED OF OR IS CURRENTLY CHARGED WITH
29 STALKING UNDER § 121B OF THIS ARTICLE.

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1 (3) IS a fugitive from justice[, or is];

2 (4) IS a habitual drunkard[, or is];

3 (5) IS addicted to or a habitual user of narcotics, barbiturates or
4 amphetamines[, or is];

5 (6) IS of unsound mind[, or to any person];

6 (7) IS visibly under the influence of alcohol or drugs[, or to any person]; OR

7 (8) IS under 21 years of age as required by federal law.

8 (c) A person may not possess a pistol or revolver if the person:

9 (1) Has been convicted of:

10 (i) A crime of violence; or

11 (ii) Any provisions of this subtitle; [or]

12 (2) Is:

13 (i) A fugitive from justice;

14 (ii) A habitual drunkard;

15 (iii) A habitual abuser of narcotics, barbiturates, or amphetamines; or

16 (iv) Suffering from a mental disorder as defined in § 10-101(h)(2) of
17 the Health - General Article and has a history of violent behavior against another person
18 or self, or has been confined for more than 30 consecutive days to a facility as defined in
19 § 10-101 of the Health - General Article, unless the person possesses a physician's
20 certification that the person is capable of possessing a pistol or revolver without undue
21 danger to the person or to others; OR

22 (3) HAS BEEN CONVICTED OF OR IS CURRENTLY CHARGED WITH
23 STALKING UNDER § 121B OF THIS ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1996.