

CF 6lr1827

By: The President (Administration) and Senators Pica, Blount, Hoffman, Forehand, Hughes, Kelley, Currie, Dorman, Frosh, Hollinger, Kasemeyer, Lawlah, Madden, McFadden, Pinsky, Ruben, Teitelbaum, Trotter, Van Hollen, and Young

Introduced and read first time: January 22, 1996

Rule 32(d) suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 1996

CHAPTER _____

1 AN ACT concerning

2 **Maryland Gun Violence Act of 1996**

3 FOR the purpose of prohibiting the purchase of more than a certain number of regulated
4 firearms during a certain period; establishing certain exceptions; establishing a
5 procedure for making multiple purchases; prohibiting a dealer from selling or
6 transferring a regulated firearm under certain circumstances; ~~prohibiting a dealer or~~
7 ~~person from selling, renting, transferring, possessing, receiving, or purchasing a~~
8 ~~firearm or any high capacity magazine in violation of federal, State, or local law;~~
9 prohibiting a person from participating in a straw purchase of a regulated firearm;
10 providing certain exceptions; requiring certain private sales, purchases, and
11 transfers of regulated firearms to comply with certain requirements; providing for a
12 certain fee; ~~requiring a valid Maryland driver's license or photographic~~
13 ~~identification card with approved firearms purchase designation for the purchase or~~
14 ~~receipt of a regulated firearm; establishing requirements and procedures for the~~
15 ~~issuance and renewal of a firearms purchase approval designation; providing for the~~
16 ~~revocation of a firearms purchase approval designation under certain circumstances;~~
17 ~~providing for a hearing process; adding certain exceptions to the prohibition against~~
18 ~~carrying or possessing certain weapons on certain school property;~~ prohibiting a
19 person from disarming a law enforcement officer under certain circumstances;
20 making certain penalties applicable to the discharge of a firearm from a motor
21 vehicle; providing that a person who possesses a firearm during and in relation to a
22 drug trafficking offense under certain circumstances is guilty of a separate felony
23 and subject to certain penalties; clarifying that a person is guilty of a separate
24 misdemeanor if the person uses a certain firearm in the commission of certain
25 crimes whether the firearm is operable or inoperable; authorizing the court to order

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1 a certain respondent to surrender a firearm for a certain period under certain
2 circumstances; requiring a law enforcement officer who responds to a domestic
3 violence scene to remove a firearm from certain premises under certain
4 circumstances; requiring a law enforcement officer to provide certain information to
5 the owner of a firearm and to provide for the safe storage of the firearm;
6 authorizing the use of a facsimile machine to forward a certain application to the
7 Department of State Police; revising, reorganizing, and clarifying certain laws
8 pertaining to the sale, rental, or transfer of certain regulated firearms by certain
9 individuals; providing that certain sales, transfers, and possessions of firearms
10 prohibited under federal law are prohibited under State law; altering a certain
11 notice provision on a certain application; ~~altering certain fees~~; defining certain
12 terms; altering certain definitions; providing certain penalties; providing for a
13 certain statute of limitations for the prosecution of certain misdemeanors created by
14 this Act; making stylistic and technical changes; and generally relating to ~~gun~~
15 violence guns and weapons.

16 BY repealing

17 Article 27 - Crimes and Punishments
18 Section 406, 441, ~~and 448~~, and 481E
19 Annotated Code of Maryland
20 (1992 Replacement Volume and 1995 Supplement)

21 BY adding to

22 Article 27 - Crimes and Punishments
23 Section 36A-1 to be under the new subheading "Disarming a Law Enforcement
24 Officer"; and 441, 441A, 442A, ~~442B~~, 445A, 445B, 448, and 449 to be under
25 the amended subheading "Regulated Firearms"
26 Annotated Code of Maryland
27 (1992 Replacement Volume and 1995 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article 27 - Crimes and Punishments
30 Section 36A, 36B(d), 120, 281A, 442, 443, 443A, 445, and 446
31 Annotated Code of Maryland
32 (1992 Replacement Volume and 1995 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article - Family Law
35 Section 4-506
36 Annotated Code of Maryland
37 (1991 Replacement Volume and 1995 Supplement)

38 BY adding to

39 Article - Family Law
40 Section 4-511
41 Annotated Code of Maryland

3

1 (1991 Replacement Volume and 1995 Supplement)

2 BY adding to

3 Article - Courts and Judicial Proceedings

4 Section 5-106(s)

5 Annotated Code of Maryland

6 (1995 Replacement Volume and 1995 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article 27 - Crimes and Punishments

9 Section 12A-2

10 Annotated Code of Maryland

11 (1992 Replacement Volume and 1995 Supplement)

12 (As enacted by Chapter (S.B. 618/H.B. 749) of the Acts of the General

13 Assembly of 1996)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That Section(s) 481E of Article 27 - Crimes and Punishments of the
16 Annotated Code of Maryland be repealed.

17 SECTION 1. BE IT SECTION 2. AND BE IT FURTHER ENACTED BY THE
18 GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

19 **Article 27 - Crimes and Punishments**

20 36A.

21 (a) No person, unless otherwise excepted in this section, shall carry or possess any
22 rifle, gun, knife, or deadly weapon of any kind on any public school property in this State.

23 (b) Nothing in this section shall be construed to apply to [law]:

24 (1) LAW enforcement officers in the regular course of their duty[, or to any
25 persons];

26 (2) PERSONS hired by the boards of education in the counties and
27 Baltimore City specifically for the purpose of guarding public school property[, or to
28 persons];

29 (3) PERSONS engaged in organized shooting activity for educational
30 purposes; OR

31 (4) PERSONS WHO, WITH A WRITTEN INVITATION FROM THE SCHOOL
32 PRINCIPAL, DISPLAY OR ENGAGE IN HISTORICAL DEMONSTRATIONS USING
33 WEAPONS OR REPLICAS OF WEAPONS FOR EDUCATIONAL PURPOSES.

34 (c) Any person who violates this section shall, upon conviction, be guilty of a
35 misdemeanor and shall be sentenced to pay a fine of no more than [one thousand dollars
36 (\$1,000.00),] \$1,000 or shall be sentenced to the Maryland Department of Correction for
37 a period of not more than [three (3)] 3 years. Any such person who shall be found to

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1 carry a handgun in violation of this section, shall be sentenced as provided in § 36B of this
2 article.

3 ~~36A-1.~~

4 ~~(A) A PERSON MAY NOT REMOVE A LAW ENFORCEMENT OFFICER'S FIREARM~~
5 ~~FROM THE OFFICER'S PERSON, OR OTHERWISE DISARM A LAW ENFORCEMENT~~
6 ~~OFFICER, WITH THE INTENT TO THREATEN OR USE THE FIREARM AGAINST THE~~
7 ~~OFFICER OR ANOTHER PERSON.~~

8 ~~(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY~~
9 ~~OF A FELONY AND UPON CONVICTION SHALL BE SENTENCED TO NOT LESS THAN 10~~
10 ~~YEARS' IMPRISONMENT OR FINED \$10,000 OR BOTH.~~

11 DISARMING A LAW ENFORCEMENT OFFICER

12 36A-1.

13 (A) A PERSON MAY NOT KNOWINGLY REMOVE OR ATTEMPT TO REMOVE A
14 FIREARM FROM THE POSSESSION OF ANOTHER PERSON IF:

15 (1) THE OTHER PERSON IS LAWFULLY ACTING WITHIN THE COURSE
16 AND SCOPE OF EMPLOYMENT; AND

17 (2) THE PERSON HAS KNOWLEDGE OR REASON TO KNOW THAT THE
18 OTHER PERSON IS EMPLOYED AS:

19 (I) A LAW ENFORCEMENT OFFICER WHO, IN AN OFFICIAL
20 CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS;

21 (II) A SHERIFF, DEPUTY SHERIFF, OR ASSISTANT SHERIFF; OR

22 (III) AN EMPLOYEE OF THE DIVISION OF CORRECTION, THE
23 PATUXENT INSTITUTION, THE DIVISION OF PRETRIAL DETENTION AND SERVICES,
24 THE DIVISION OF PAROLE AND PROBATION, ANY COUNTY JAIL OR DETENTION
25 CENTER, OR ANY BOOKING FACILITY.

26 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
27 CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT
28 FOR NOT MORE THAN 10 YEARS OR BOTH.

29 (C) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE
30 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY
31 OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE OFFENSE UNDER THIS
32 SECTION.

33 36B.

34 (d) Any person who shall use a handgun or an antique firearm capable of being
35 concealed on the person in the commission of any felony or any crime of violence as
36 defined in § 441 of this article, WHETHER OPERABLE OR INOPERABLE AT THE TIME OF
37 THE OFFENSE, shall be guilty of a separate misdemeanor and on conviction thereof shall,
38 in addition to any other sentence imposed by virtue of commission of said felony or
39 misdemeanor:

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1 (1) For a first offense, be sentenced to the Maryland Division of Correction
2 for a term of not less than 5 nor more than 20 years, and:

3 (i) It is mandatory upon the court to impose no less than the
4 minimum sentence of 5 years; and

5 (ii) Except as otherwise provided in Article 31B, § 11 of the Code, the
6 person is not eligible for parole in less than 5 years; and

7 (2) For a second or subsequent offense, be sentenced to the Maryland
8 Division of Correction for a term of not less than 5 nor more than 20 years, and it is
9 mandatory upon the court to impose no less than a minimum consecutive sentence of 5
10 years which shall be served consecutively and not concurrently to any other sentence
11 imposed by virtue of the commission of said felony or misdemeanor.

12 120.

13 (a) (1) Any person who recklessly engages in conduct that creates a substantial
14 risk of death or serious physical injury to another person is guilty of the misdemeanor of
15 reckless endangerment and on conviction is subject to a fine not exceeding \$5,000 or
16 imprisonment not exceeding 5 years or both.

17 (2) SUBJECT TO THE PROVISIONS OF SUBSECTION (B)(2) OF THIS
18 SECTION, ANY PERSON WHO RECKLESSLY DISCHARGES A FIREARM FROM A MOTOR
19 VEHICLE IN SUCH A MANNER THAT IT CREATES A SUBSTANTIAL RISK OF DEATH OR
20 SERIOUS PHYSICAL INJURY TO ANOTHER PERSON IS GUILTY OF THE MISDEMEANOR
21 OF RECKLESS ENDANGERMENT AND ON CONVICTION IS SUBJECT TO A FINE NOT
22 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

23 (b) (1) [This] EXCEPT AS PROVIDED IN ~~PARAGRAPH (2)~~ SUBSECTION (A)(2)
24 OF THIS SECTION, THIS section does not apply to any conduct involving the
25 use of a motor vehicle as defined in § 11-135 of the Transportation Article.

26 ~~(2) THE PENALTY PROVIDED UNDER SUBSECTION (A) OF THIS SECTION~~
27 ~~APPLIES TO THE DISCHARGE OF A FIREARM FROM A MOTOR VEHICLE.~~

28 (2) THE PROVISIONS OF SUBSECTION (A)(2) OF THIS SECTION DO NOT
29 APPLY TO THE DISCHARGE OF A FIREARM FROM A MOTOR VEHICLE BY:

30 (I) A LAW ENFORCEMENT OFFICER OR SECURITY GUARD IN THE
31 PERFORMANCE OF THE OFFICER'S OR SECURITY GUARD'S OFFICIAL DUTIES; OR

32 (II) AN INDIVIDUAL ACTING IN DEFENSE OF A CRIME OF
33 VIOLENCE.

34 (c) This section does not apply to any conduct involving the manufacture,
35 production, or sale of any product or commodity.

36 281A.

37 (a) (1) In this section the following terms have the meanings indicated.

38 (2) "Drug trafficking crime" means:

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1 (i) Any felony involving the possession, distribution, manufacture, or
2 importation of a controlled dangerous substance under §§ 286 and 286A of this article; or

3 (ii) Conspiracy to commit any felony involving possession, distribution,
4 manufacture, or importation of a controlled dangerous substance under §286 or § 286A
5 of this article.

6 (3) "Firearm silencer or muffler" means any device that is designed for
7 silencing, muffling, or diminishing the report of a firearm including any combination of
8 parts designed, redesigned, or intended for use in assembling or fabricating a firearm
9 silencer or muffler.

10 (b) During and in relation to any drug trafficking crime, a person WHO
11 POSSESSES A FIREARM UNDER SUFFICIENT CIRCUMSTANCES TO CONSTITUTE A
12 NEXUS TO THE DRUG TRAFFICKING CRIME OR who uses, wears, carries, or transports
13 a firearm is guilty of a separate felony and on conviction shall, in addition to the sentence
14 provided for the drug trafficking crime, be sentenced as follows:

15 (1) (i) For a first offense, for a term of not less than 5 nor more than 20
16 years.

17 (ii) It is mandatory upon the court to impose no less than the
18 minimum sentence of 5 years, no part of which may be suspended and the person may not
19 be eligible for parole except in accordance with the provisions of Article 31B, § 11 of the
20 Code; and

21 (2) (i) For a second or subsequent offense, for a term of not less than 10
22 nor more than 20 years.

23 (ii) It is mandatory upon the court to impose no less than a minimum
24 consecutive sentence of 10 years, no part of which may be suspended and the person may
25 not be eligible for parole except in accordance with the provisions of Article 31B, § 11 of
26 the Code.

27 (iii) The sentence shall be served consecutively and not concurrently to
28 any other sentence imposed by virtue of the commission of the drug trafficking crime.

29 (c) The minimum mandatory sentence provided in subsection (b)(1) and (2) of
30 this section shall be doubled if the firearm is:

31 (1) Any firearm listed in § 36H-1 or § ~~481E~~ 441 of this article;

32 (2) A machine gun; or

33 (3) Equipped with a firearm silencer or muffler.

34 (d) (1) Any firearm or ammunition seized under this section is contraband and
35 shall be summarily forfeited.

36 (2) If the owner or possessor of property seized under this section is
37 acquitted or the charges against the person are dismissed, the seized property shall be
38 returned to the owner or possessor within 90 days if not otherwise prohibited by law
39 unless forfeiture proceedings have commenced.

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1 (3) If the State enters a nolle prosequi against the owner or possessor of
2 property seized under this section and does not charge the person within 90 days after the
3 nolle prosequi is entered, the seized property shall be promptly returned to the owner or
4 possessor if not otherwise prohibited by law.

5 [406.

6 (a) It shall be unlawful for any person to sell, barter or give away to any minor:

7 (1) Any firearms or other deadly weapons or ammunition, except with the
8 express permission of a parent or guardian of the minor; or

9 (2) Pepper mace.

10 (b) Any person violating this section shall on conviction pay a fine of not less than
11 fifty nor more than two hundred dollars, together with the costs of prosecution. On
12 failure to pay the fine and costs, the person shall be committed to jail and confined until
13 such fine and costs are paid, or for the period of sixty days, whichever shall first occur.

14 (c) The provisions of this section do not apply to:

15 (1) A member of any organized militia in Maryland, when said member is
16 engaged in supervised training, marksmanship activities or any other performance of his
17 official duty; or

18 (2) Any adult or qualified supervisor or instructor of a recognized
19 organization engaged in the instruction of marksmanship.

20 (d) In this section, "pepper mace" means an aerosol propelled combination of
21 highly disabling irritant pepper based products and is also known as oleoresin capsicum
22 (o.c.) spray.]

23 [Pistols] REGULATED FIREARMS

24 [441.

25 (a) As used in this subtitle --

26 (b) The term "person" includes an individual, partnership, association or
27 corporation.

28 (c) The term "pistol or revolver" means any firearm with barrel less than twelve
29 inches in length, including signal, starter, and blank pistols.

30 (d) The term "dealer" means any person engaged in the business of selling
31 firearms at wholesale or retail, or any person engaged in the business of repairing such
32 firearms.

33 (e) The term "crime of violence" means abduction; arson in the first degree;
34 burglary in the first, second, or third degree; escape; kidnapping; manslaughter, excepting
35 involuntary manslaughter; mayhem; murder; rape; robbery; robbery with a deadly
36 weapon; carjacking or armed carjacking; sexual offense in the first degree; and sodomy; or
37 an attempt to commit any of the aforesaid offenses; or assault with intent to commit any
38 other offense punishable by imprisonment for more than one year.

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1 (f) The term "fugitive from justice" means any person who has fled from a sheriff
2 or other peace officer within this State, or who has fled from any state, territory or the
3 District of Columbia, or possession of the United States, to avoid prosecution for a crime
4 of violence or to avoid giving testimony in any criminal proceeding.

5 (g) The term "antique pistol or revolver" means:

6 (1) Any pistol or revolver (including any pistol or revolver with a matchlock,
7 flintlock, percussion cap, or similar type of ignition system) manufactured in or before
8 1898; and

9 (2) Any replica of any pistol or revolver described in paragraph (1) if the
10 replica:

11 (i) Is not designed or redesigned for using rimfire or conventional
12 centerfire fixed ammunition; or

13 (ii) Uses rimfire or conventional centerfire fixed ammunition which is
14 no longer manufactured in the United States and which is not readily available in the
15 ordinary channels of commercial trade.]

16 441.

17 (A) IN THIS ~~SUBTITLE~~ SUBHEADING THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (B) "ALCOHOL OFFENSE" MEANS AN OFFENSE UNDER § 21-902(A), (B), OR (C)
20 OF THE TRANSPORTATION ARTICLE ~~OR § 388A OF THIS ARTICLE.~~

21 (C) "ANTIQUE FIREARM" MEANS:

22 (1) ANY FIREARM (INCLUDING ANY FIREARM WITH A MATCHLOCK,
23 FLINTLOCK, PERCUSSION CAP, OR SIMILAR TYPE OF IGNITION SYSTEM)
24 MANUFACTURED PRIOR TO 1899; OR

25 (2) ANY REPLICA OF ANY FIREARM DESCRIBED IN PARAGRAPH (1) OF
26 THIS SUBSECTION IF THE REPLICA:

27 (I) IS NOT DESIGNED OR REDESIGNED FOR USING RIMFIRE OR
28 CONVENTIONAL CENTERFIRE FIXED AMMUNITION; OR

29 (II) USES RIMFIRE OR CONVENTIONAL CENTERFIRE FIXED
30 AMMUNITION WHICH IS NO LONGER MANUFACTURED IN THE UNITED STATES AND
31 WHICH IS NOT READILY AVAILABLE IN THE ORDINARY CHANNELS OF COMMERCIAL
32 TRADE.

33 (D) "ASSAULT WEAPON" MEANS ANY OF THE FOLLOWING SPECIFIC
34 FIREARMS OR THEIR COPIES REGARDLESS OF WHICH COMPANY PRODUCED AND
35 MANUFACTURED THAT FIREARM:

36 (1) AMERICAN ARMS SPECTRE DA SEMIAUTOMATIC CARBINE;

37 (2) AK-47 IN ALL FORMS;

38 (3) ALGIMEC AGM-1 TYPE SEMI-AUTO;

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- 1 (4) AR 100 TYPE SEMI-AUTO;
- 2 (5) AR 180 TYPE SEMI-AUTO;
- 3 (6) ARGENTINE L.S.R. SEMI-AUTO;
- 4 (7) AUSTRALIAN AUTOMATIC ARMS SAR TYPE SEMI-AUTO;
- 5 (8) AUTO-ORDNANCE THOMPSON M1 AND 1927 SEMI-AUTOMATICS;
- 6 (9) BARRETT LIGHT .50 CAL. SEMI-AUTO;
- 7 (10) BERETTA AR70 TYPE SEMI-AUTO;
- 8 (11) BUSHMASTER SEMI-AUTO RIFLE;
- 9 (12) CALICO MODELS M-100 AND M-900;
- 10 (13) CIS SR 88 TYPE SEMI-AUTO;
- 11 (14) CLARIDGE HI TEC C-9 CARBINES;
- 12 (15) COLT AR-15, CAR-15, AND ALL IMITATIONS EXCEPT COLT AR-15
13 SPORTER H-BAR RIFLE;
- 14 (16) DAEWOO MAX 1 AND MAX 2, AKA AR 100, 110C, K-1, AND K-2;
- 15 (17) DRAGUNOV CHINESE MADE SEMI-AUTO;
- 16 (18) FAMAS SEMI-AUTO (.223 CALIBER);
- 17 (19) FEATHER AT-9 SEMI-AUTO;
- 18 (20) FN LAR AND FN FAL ASSAULT RIFLE;
- 19 (21) FNC SEMI-AUTO TYPE CARBINE;
- 20 (22) F.I.E./FRANCHI LAW 12 AND SPAS 12 ASSAULT SHOTGUN;
- 21 (23) STEYR-AUG-SA SEMI-AUTO;
- 22 (24) GALIL MODELS AR AND ARM SEMI-AUTO;
- 23 (25) HECKLER AND KOCH HK-91 A3, HK-93 A2, HK-94 A2 AND A3;
- 24 (26) HOLMES MODEL 88 SHOTGUN;
- 25 (27) AVTOMAT KALASHNIKOV SEMIAUTOMATIC RIFLE IN ANY FORMAT;
- 26 (28) MANCHESTER ARMS "COMMANDO" MK-45, MK-9;
- 27 (29) MANDELL TAC-1 SEMI-AUTO CARBINE;
- 28 (30) MOSSBERG MODEL 500 BULLPUP ASSAULT SHOTGUN;
- 29 (31) STERLING MARK 6;

(32) P.A.W.S. CARBINE;

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- (33) RUGER MINI-14 FOLDING STOCK MODEL (.223 CALIBER);
- (34) SIG 550/551 ASSAULT RIFLE (.223 CALIBER);
- (35) SKS WITH DETACHABLE MAGAZINE;
- (36) AP-74 COMMANDO TYPE SEMI-AUTO;
- (37) SPRINGFIELD ARMORY BM-59, SAR-48, G3, SAR-3, M-21 SNIPER RIFLE, M1A, EXCLUDING THE M1 GARAND;
- (38) STREET SWEEPER ASSAULT TYPE SHOTGUN;
- (39) STRIKER 12 ASSAULT SHOTGUN IN ALL FORMATS;
- (40) UNIQUE F11 SEMI-AUTO TYPE;
- (41) DAEWOO USAS 12 SEMI-AUTO SHOTGUN;
- (42) UZI 9MM CARBINE OR RIFLE;
- (43) VALMET M-76 AND M-78 SEMI-AUTO;
- (44) WEAVER ARMS "NIGHTHAWK" SEMI-AUTO CARBINE; OR
- (45) WILKINSON ARMS 9MM SEMI-AUTO "TERRY"; ~~OR,~~
- ~~(46) ANY OTHER FIREARM DEFINED AS AN ASSAULT WEAPON BY FEDERAL LAW.~~

(E) "CRIME OF VIOLENCE" MEANS:

- (1) ABDUCTION;
- (2) ARSON IN THE FIRST DEGREE;
- (3) BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE;
- (4) CARJACKING AND ARMED CARJACKING;
- (5) ESCAPE;
- (6) KIDNAPPING;
- (7) VOLUNTARY MANSLAUGHTER;
- (8) MAIMING;
- (9) MAYHEM;
- (10) MURDER IN THE FIRST OR SECOND DEGREE;
- (11) RAPE IN THE FIRST OR SECOND DEGREE;
- (12) ROBBERY;
- (13) ROBBERY WITH A DANGEROUS OR DEADLY WEAPON;

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1 (14) SEXUAL OFFENSE IN THE FIRST, SECOND, OR THIRD DEGREE;

2 (15) AN ATTEMPT TO COMMIT ANY OF THE AFORESAID OFFENSES; OR

3 (16) ASSAULT WITH INTENT TO COMMIT ANY OF THE AFORESAID
4 OFFENSES OR ANY OFFENSE PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1
5 YEAR.

6 (F) "DEALER" MEANS ANY PERSON WHO IS ENGAGED IN THE BUSINESS OF:

7 (1) SELLING, RENTING, OR TRANSFERRING FIREARMS AT WHOLESALE
8 OR RETAIL; OR

9 (2) REPAIRING FIREARMS.

10 (G) "DESIGNATED LAW ENFORCEMENT AGENCY" MEANS ANY LAW
11 ENFORCEMENT AGENCY APPROVED AND DESIGNATED BY THE SECRETARY TO
12 PROCESS APPLICATIONS TO PURCHASE REGULATED FIREARMS FOR SECONDARY
13 SALES.

14 (H) "ENGAGED IN THE BUSINESS" MEANS ANY PERSON WHO:

15 (1) IS LICENSED AS A MARYLAND REGULATED FIREARMS DEALER;

16 (2) IS LICENSED AS A FEDERAL FIREARMS DEALER;

17 (3) DEVOTES TIME, ATTENTION, AND LABOR TO DEALING IN FIREARMS
18 AS A REGULAR COURSE OF TRADE OR BUSINESS WITH THE PRINCIPAL OBJECTIVE
19 OF EARNING A PROFIT THROUGH THE REPEATED PURCHASE AND RESALE OF
20 FIREARMS; OR

21 (4) REPAIRS FIREARMS AS A REGULAR COURSE OF TRADE OR
22 BUSINESS.

23 (I) "FIREARM" MEANS:

24 (1) ANY WEAPON (INCLUDING A STARTER GUN) WHICH WILL OR IS
25 DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE
26 ACTION OF AN EXPLOSIVE; OR

27 (2) THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

28 (J) "FUGITIVE FROM JUSTICE" MEANS ANY PERSON WHO HAS FLED FROM A
29 SHERIFF OR OTHER PEACE OFFICER WITHIN THIS STATE, OR WHO HAS FLED FROM
30 ANY STATE, THE DISTRICT OF COLUMBIA, OR TERRITORY OR POSSESSION OF THE
31 UNITED STATES, TO AVOID PROSECUTION FOR A CRIME OR TO AVOID GIVING
32 TESTIMONY IN ANY CRIMINAL PROCEEDING.

33 (K) "GUN SHOW" MEANS ANY ORGANIZED GATHERING OPEN TO THE PUBLIC
34 AT WHICH ANY FIREARM IS DISPLAYED.

35 (L) "HABITUAL DRUNKARD" MEANS ANY PERSON WHO HAS BEEN
36 ~~CONVICTED~~ FOUND GUILTY OF ANY THREE ALCOHOL OFFENSES, ONE OF WHICH
37 OCCURRED WITHIN THE PAST ~~3 YEARS~~ YEAR.

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1 (M) "HABITUAL USER OF CONTROLLED DANGEROUS SUBSTANCES" MEANS
2 ANY PERSON WHO HAS BEEN ~~CONVICTED~~ FOUND GUILTY OF TWO CONTROLLED
3 DANGEROUS SUBSTANCE OFFENSES, ONE OF WHICH OCCURRED WITHIN THE PAST 5
4 YEARS.

5 (N) "HANDGUN" MEANS ANY FIREARM WITH A BARREL LESS THAN 16 INCHES
6 IN LENGTH INCLUDING SIGNAL, STARTER, AND BLANK PISTOLS.

7 (O) "MINOR" MEANS ANY PERSON UNDER THE AGE OF 18 YEARS.

8 (P) "PEPPER MACE" MEANS AN AEROSOL PROPELLED COMBINATION OF
9 HIGHLY DISABLING IRRITANT PEPPER BASED PRODUCTS AND IS ALSO KNOWN AS
10 OLEO-RESIN CAPSICUM (O.C.) SPRAY.

11 ~~(P)~~ (Q) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, OR
12 CORPORATION.

13 ~~(Q)~~ (R) "REGULATED FIREARM" MEANS:

14 (1) ANY HANDGUN AS DEFINED IN THIS SECTION; OR

15 (2) ANY ASSAULT WEAPON AS DEFINED IN THIS SECTION; ~~OR,~~

16 ~~(3) ANY FIREARM WHOSE SALE OR TRANSFER IS SUBJECT TO THE~~
17 ~~PROVISIONS OF THIS SUBTITLE.~~

18 ~~(R)~~ (S) "REGULATED FIREARMS DEALER" MEANS ANY PERSON WHO
19 POSSESSES A VALID MARYLAND REGULATED FIREARMS DEALERS LICENSE ISSUED
20 BY THE SECRETARY.

21 (T) "RENT" MEANS THE TEMPORARY TRANSFER OF A REGULATED FIREARM
22 FOR CONSIDERATION WHERE THE FIREARM IS TAKEN FROM THE FIREARM
23 OWNER'S PROPERTY.

24 ~~(S)~~ (U) "SECONDARY SALE" MEANS ANY SALE OF A REGULATED FIREARM
25 WHERE NEITHER PARTY TO THE TRANSACTION IS ENGAGED IN THE BUSINESS AS
26 DEFINED IN THIS SUBSECTION.

27 ~~(T)~~ (V) "SECRETARY" MEANS THE SECRETARY OF THE STATE POLICE OR
28 THE SECRETARY'S DESIGNEE.

29 ~~(U)~~ (W) "STRAW PURCHASE" MEANS ANY SALE OF A REGULATED FIREARM
30 WHERE ~~THE REAL PURCHASER~~ AN INDIVIDUAL USES ANOTHER PERSON (THE
31 STRAW PURCHASER) TO COMPLETE THE APPLICATION TO PURCHASE A REGULATED
32 FIREARM, TAKE INITIAL POSSESSION OF THAT FIREARM, AND SUBSEQUENTLY
33 TRANSFER THAT FIREARM TO THE ~~REAL PURCHASER~~ INDIVIDUAL.

34 441A.

35 THE PROHIBITIONS OF THIS SUBHEADING DO NOT APPLY TO:

36 (1) THE TRANSFER OR POSSESSION OF A REGULATED FIREARM OR
37 DETACHABLE MAGAZINE BY A LICENSED MANUFACTURER, DEALER, OR IMPORTER

13

1 FOR THE PURPOSES OF TESTING OR EXPERIMENTATION AUTHORIZED BY THE
2 SECRETARY;

3 (2) THE TRANSFER OR POSSESSION OF AN ANTIQUE FIREARM;

4 (3) LAW ENFORCEMENT PERSONNEL OF THE UNITED STATES
5 GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE UNITED STATES,
6 MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL
7 GUARD, OR LAW ENFORCEMENT PERSONNEL OF THIS STATE OR ANY LOCAL
8 AGENCY IN THIS STATE WHILE SUCH PERSONS ARE ACTING WITHIN THE SCOPE OF
9 THEIR OFFICIAL DUTIES;

10 (4) ANY REGULATED FIREARM MODIFIED TO RENDER IT
11 PERMANENTLY INOPERATIVE;

12 (5) PURCHASES, SALES, AND TRANSPORT TO OR BY A LICENSED GUN
13 DEALER ~~OR, MANUFACTURER WHO IS PROVIDING OR SERVICING A FIREARM FOR~~
14 ~~LAW ENFORCEMENT AGENCIES OR FOR ANY ENTITY EXEMPTED UNDER ITEM (3) OF~~
15 ~~THIS SECTION, OR IMPORTER;~~

16 (6) ORGANIZATIONS THAT ARE REQUIRED OR AUTHORIZED BY
17 FEDERAL LAW OR REGULATIONS GOVERNING THEIR SPECIFIC BUSINESS OR
18 ACTIVITY TO MAINTAIN FIREARMS; OR

19 (7) THE RECEIPT OF A REGULATED FIREARM BY INHERITANCE,
20 PROVIDED THE HEIR-

21 ~~(I) POSSESSES A VALID MARYLAND DRIVER'S LICENSE OR~~
22 ~~PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE~~
23 ~~DESIGNATION AS REQUIRED UNDER § 442A OF THIS SUBHEADING; AND~~

24 ~~(II) REGISTERS THE REGULATED FIREARM WITH THE SECRETARY.~~
25 ~~COMPLETES AN APPLICATION FOR THE PURCHASE OR TRANSFER OF A REGULATED~~
26 ~~FIREARM AND FORWARDS IT TO THE SECRETARY.~~

27 442.

28 (a) All restrictions imposed by the laws, ordinances or regulations of all
29 subordinated jurisdictions within the State of Maryland on sales of [pistols or revolvers]
30 REGULATED FIREARMS are superseded by this section, and the State of Maryland
31 hereby preempts the rights of such jurisdictions to regulate the sale of [pistols and
32 revolvers] REGULATED FIREARMS.

33 ~~(B) NO DEALER OR PERSON SHALL SELL, RENT, TRANSFER, POSSESS,~~
34 ~~RECEIVE, OR PURCHASE ANY FIREARM OR ANY HIGH CAPACITY MAGAZINE IN~~
35 ~~VIOLATION OF FEDERAL, STATE, OR LOCAL LAWS.~~

36 ~~(C)~~ (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
37 PERSON MAY NOT KNOWINGLY OR WILLFULLY PARTICIPATE IN A STRAW PURCHASE
38 OF A REGULATED FIREARM.

39 (2) THE PROHIBITIONS OF THIS SUBSECTION DO NOT APPLY TO A
40 PERSON PURCHASING A REGULATED FIREARM AS A GIFT PROVIDED:

14

1 (I) THE RECIPIENT OF THE GIFT IS A RESIDENT OF THIS STATE;
2 AND

3 (II) BOTH THE PURCHASER AND RECIPIENT OF THE GIFT COMPLY
4 WITH THE REQUIREMENTS UNDER THIS SUBHEADING PERTAINING TO THE
5 POSSESSION, SALE, RENTAL, RECEIPT, TRANSFER, OR PURCHASE OF A REGULATED
6 FIREARM, UNLESS THE GIFT IS IN THE FORM OF A GIFT CERTIFICATE, IN WHICH
7 CASE ONLY THE RECIPIENT SHALL COMPLY WITH THE REQUIREMENTS;~~AND~~

8 ~~(III) THAT UPON RECEIPT OF THE REGULATED FIREARM, THE~~
9 ~~RECIPIENT REGISTERS THE REGULATED FIREARM IN THE RECIPIENT'S NAME WITH~~
10 ~~THE SECRETARY.~~

11 (3) IF THE REGULATED FIREARM IS A GIFT TO A SPOUSE, PARENT,
12 GRANDPARENT, GRANDCHILD, BROTHER, SISTER, SON, OR DAUGHTER:

13 (I) AN APPLICATION TO PURCHASE OR TRANSFER A REGULATED
14 FIREARM SHALL BE COMPLETED BY THE RECIPIENT AND FORWARDED TO THE
15 SECRETARY WITHIN 5 DAYS OF RECEIPT OF THE REGULATED FIREARM; AND

16 (II) THE \$10 APPLICATION FEE, AS PROVIDED BY SUBSECTION (G)
17 OF THIS SECTION, SHALL BE WAIVED BY THE SECRETARY.

18 [(b)] ~~(C)~~ No REGULATED FIREARMS dealer shall sell, RENT, or transfer
19 any [pistol or revolver] REGULATED FIREARM until after seven days shall have elapsed
20 from the time an application to purchase or transfer shall have been executed by the
21 prospective purchaser or transferee, in triplicate, and THE ORIGINAL COPY IS forwarded
22 by the prospective seller or transferor to the Secretary [of the State Police].

23 ~~(E)~~ (D) (1) A PERSON WHO IS NOT A REGULATED FIREARMS DEALER MAY
24 NOT SELL, RENT, TRANSFER, OR PURCHASE ANY REGULATED FIREARM UNTIL
25 AFTER 7 DAYS SHALL HAVE ELAPSED FROM THE TIME AN APPLICATION TO
26 PURCHASE OR TRANSFER SHALL HAVE BEEN EXECUTED BY THE PROSPECTIVE
27 PURCHASER OR TRANSFEREE, IN TRIPPLICATE, AND THE ORIGINAL COPY IS
28 FORWARDED BY A REGULATED FIREARMS DEALER TO THE SECRETARY.

29 (2) AS AN ALTERNATIVE TO COMPLETING A SECONDARY SALE OF A
30 REGULATED FIREARM THROUGH A REGULATED FIREARMS DEALER, THE
31 PROSPECTIVE SELLER OR TRANSFEROR AND THE PROSPECTIVE PURCHASER OR
32 TRANSFEREE MAY COMPLETE THE TRANSACTION THROUGH A DESIGNATED LAW
33 ENFORCEMENT AGENCY.

34 (3) A PERSON WHO MAKES AN APPLICATION TO PURCHASE, RENT, OR
35 TRANSFER A REGULATED FIREARM BY SECONDARY SALE SHALL PAY A
36 PROCESSING FEE NOT TO EXCEED \$20 TO THE REGULATED FIREARMS DEALER ~~OR~~
37 ~~DESIGNATED LAW ENFORCEMENT AGENCY.~~

38 [(c)] ~~(E)~~ (E) The REGULATED FIREARMS dealer OR DESIGNATED LAW
39 ENFORCEMENT AGENCY shall promptly after receiving an application to purchase,
40 RENT, or transfer, completed in accordance with subsection [(e)] ~~(H)~~ below, forward
41 one copy of the same, by certified mail OR BY FACSIMILE MACHINE, to the Secretary [of
42 the State Police]. The copy forwarded to the Secretary shall contain the name, address,

15

1 and signature of the prospective seller, LESSOR, or transferor. The prospective seller,
2 LESSOR, or transferor shall retain one copy of the application for a period of not less than
3 three years. The prospective purchaser, LESSEE, or transferee shall be entitled to the
4 remaining copy of the application.

5 [(d)] ~~(G)~~ (F) (1) A person who makes an application to purchase, RENT, or
6 transfer a [pistol or revolver] REGULATED FIREARM shall pay to the REGULATED
7 FIREARMS dealer OR DESIGNATED LAW ENFORCEMENT AGENCY a \$10 application
8 fee with the application to purchase, RENT, or transfer.

9 (2) The REGULATED FIREARMS dealer OR DESIGNATED LAW
10 ENFORCEMENT AGENCY shall forward the \$10 application fee along with the application
11 to the Secretary [of the State Police].

12 (3) IF THE REGULATED FIREARMS DEALER OR DESIGNATED LAW
13 ENFORCEMENT AGENCY UTILIZES A FACSIMILE MACHINE TO FORWARD THE
14 APPLICATION TO THE SECRETARY, THE DEALER OR DESIGNATED LAW
15 ENFORCEMENT AGENCY SHALL:

16 (I) BE BILLED \$10 FOR EACH APPLICATION FORWARDED TO THE
17 SECRETARY DURING THE MONTH; AND

18 (II) PAY THE TOTAL APPLICATION FEE BY THE 15TH DAY OF THE
19 NEXT MONTH.

20 [(e)] ~~(H)~~ (G) The application to purchase, RENT, or transfer shall bear the
21 following legend: "Any false information supplied or statement made in this application is
22 a crime which may be punished by imprisonment for a period of not more than three
23 years, or a fine of not more than \$5,000, or both."

24 [(f)] ~~(I)~~ (H) The application to purchase, RENT, or transfer shall contain the
25 following information:

26 (1) Applicant's name, address, DRIVER'S OR PHOTOGRAPHIC
27 IDENTIFICATION SOUNDEX NUMBER, SOCIAL SECURITY NUMBER, occupation, place
28 and date of birth, height, weight, race, eye and hair color and signature AND
29 REGULATED FIREARM INFORMATION FOR EACH FIREARM TO BE PURCHASED,
30 RENTED, OR TRANSFERRED. In the event the applicant is a corporation, the application
31 shall be completed and executed by a corporate officer who is a resident of [the
32 jurisdiction in which the application is made] THIS STATE.

33 (2) A statement by the applicant UNDER THE PENALTY OF PERJURY that
34 he or she:

35 (i) Has never been convicted of [a crime of violence, in this State or
36 elsewhere, or of a violation of any of the provisions of §§ 286, 286A or 286C of this article
37 or any conspiracy to commit any crimes established by those sections, or of any of the
38 provisions of this subtitle.]:

39 1. A CRIME OF VIOLENCE;

40 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE;

16

1 3. ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
2 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; OR

3 4. ANY VIOLATION CLASSIFIED AS A COMMON LAW
4 OFFENSE WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE
5 THAN 2 YEARS.

6 (ii) Is not a fugitive from justice.

7 (iii) Is not a habitual drunkard.

8 (iv) Is not an addict or habitual user of [narcotics, barbiturates or
9 amphetamines] ANY CONTROLLED DANGEROUS SUBSTANCES.

10 (v) Has never spent more than thirty consecutive days in any medical
11 institution for treatment of a mental disorder or disorders, unless there is attached to the
12 application a physician's certificate, issued within thirty days prior to the date of
13 application, certifying that the applicant is capable of possessing a [pistol or revolver]
14 REGULATED FIREARM without undue danger to himself or herself, or to others.

15 (vi) Is ~~a~~ at least 21 years of age [as required by federal law].

16 (vii) ~~Has~~ [or has not submitted a prior application and, if so, when and
17 where] ~~NEVER BEEN~~ IS NOT A RESPONDENT AGAINST WHOM A CURRENT NON EX
18 PARTE CIVIL ~~PROTECTION~~ PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506
19 OF THE FAMILY LAW ARTICLE.

20 ~~(VIII) IS NOT PROHIBITED BY FEDERAL LAW FROM PURCHASING OR~~
21 ~~POSSESSING A FIREARM.~~

22 (3) The date and hour the application was delivered in completed form to
23 the prospective seller or transferor by the prospective purchaser, LESSEE, or transferee.

24 [(g)] ~~(h)~~ (i) The Secretary [of the Department of State Police] may request
25 the assistance of the police commissioner of Baltimore City, the chief of police in any
26 county maintaining a police force, or the sheriff in a county not maintaining a police force
27 and shall promptly upon receipt of an application to purchase, RENT, or transfer conduct
28 an investigation in order to determine the truth ~~of~~ or falsity of the information supplied
29 and statements made in ~~said~~ THE application. If it be thereupon determined that any
30 false information or statement has been supplied or made by the applicant, [or] that the
31 application has not been properly completed, OR THAT WRITTEN NOTIFICATION FROM
32 A THE APPLICANT'S LICENSED ATTENDING PHYSICIAN HAS BEEN RECEIVED
33 STATING THAT THE APPLICANT IS SUFFERING FROM A MENTAL DISORDER OR
34 DISORDERS AND IS A DANGER TO HIMSELF OR HERSELF OR TO OTHERS, the [said]
35 Secretary [or any specific member of the Department of State Police authorized by the
36 Secretary to act as the Secretary's agent in matters relating to pistol or revolver sales]
37 shall notify the prospective seller, LESSOR, or transferor, in writing, within seven days
38 from the date the executed application to purchase or transfer was forwarded by certified
39 mail OR FACSIMILE MACHINE, of his disapproval of ~~said~~ THE application. Written
40 notification of such disapproval shall be thereafter forwarded by the Secretary [or the
41 Secretary's duly authorized agent or agents] to the prospective purchaser, LESSEE, or
42 transferee. The date upon which the executed application to purchase, RENT, or transfer

17

1 was forwarded by certified mail OR BY FACSIMILE MACHINE TO THE SECRETARY by
 2 the prospective seller, LESSOR, or transferor shall be considered as the first day of the
 3 seven-day period allowed for notice of disapproval to the ~~said~~ prospective seller, LESSOR,
 4 or transferor. If the seventh day of the seven-day period allowed for the ~~said~~ notice of
 5 disapproval shall fall on a Sunday or legal holiday, the computation period shall be
 6 extended to the first day next following, which is neither a Sunday nor a legal holiday.

7 [(h)] ~~(J)~~ (L) No REGULATED FIREARMS dealer OR PERSON shall sell,
 8 RENT, or transfer a [pistol or revolver] REGULATED FIREARM to an applicant whose
 9 application has been PLACED ON HOLD BECAUSE OF AN OPEN DISPOSITION OF
 10 CRIMINAL PROCEEDINGS AGAINST THE APPLICANT OR [timely] disapproved, unless
 11 such disapproval has been subsequently withdrawn by the Secretary [of the State Police
 12 or the Secretary's duly authorized agent or agents] or overruled by the action of the
 13 courts pursuant to subsection [(i)] ~~(K)~~ of this section.

14 (2) AN APPROVED APPLICATION IS VALID ONLY FOR THE PURCHASE,
 15 RENTAL, OR TRANSFER OF THE REGULATED FIREARM LISTED IN THE APPLICATION.

16 [(i)] ~~(K)~~ (1) Any prospective purchaser, LESSEE, or transferee aggrieved
 17 by the action of the [Department of] State Police may request a hearing within 30 days
 18 from the date when written notice was forwarded to the aggrieved person by writing to
 19 the Secretary [of the State Police], who shall grant the hearing within fifteen days of the
 20 request.

21 (2) The hearing and subsequent proceedings of judicial review, if any,
 22 thereupon following shall be conducted in accordance with the provisions of the
 23 Administrative Procedure Act.

24 (3) The hearing shall be held in the county of the legal residence of the
 25 aggrieved person. [If the aggrieved person is not a State resident, the hearing shall be
 26 held at a location designated by the Secretary of the State Police].

27 [(j)] ~~(M)~~ (L) Any REGULATED FIREARMS dealer OR PERSON who sells,
 28 RENTS, or transfers a [pistol or revolver] REGULATED FIREARM in compliance with
 29 this subtitle shall forward a copy of the written notification of such completed transaction,
 30 within seven days from the date of delivery of the [said pistol or revolver] REGULATED
 31 FIREARM, to the Secretary [of the State Police], whose duty it shall be to maintain a
 32 permanent record of all such completed sales, RENTALS, and transfers of [pistols and
 33 revolvers] REGULATED FIREARMS in the State. The notification shall contain an
 34 identifying description of the [pistol or revolver] REGULATED FIREARM sold, RENTED,
 35 or transferred including its caliber, make, model, manufacturer's serial number, if any,
 36 and any other special or peculiar characteristics or marking by which the [said pistol or
 37 revolver] REGULATED FIREARM may be identified.

38 ~~(N)~~ (M) (1) A REGULATED FIREARMS DEALER OR PERSON SHALL
 39 COMPLETE THE SALE, RENTAL, OR TRANSFER OF A REGULATED FIREARM WITHIN
 40 90 DAYS OF THE DATE THE APPLICATION OF THE PROSPECTIVE PURCHASER OR
 41 TRANSFEREE'S APPLICATION, LESSEE, OR TRANSFEREE WAS STAMPED BY THE
 42 SECRETARY AS NOT BEING DISAPPROVED.

18

1 (2) A REGULATED FIREARMS DEALER OR PERSON SHALL WITHIN 7
2 DAYS, RETURN TO THE SECRETARY ANY APPLICATION FOR WHICH THE SALE,
3 RENTAL, OR TRANSFER OF A REGULATED FIREARM WAS NOT COMPLETED WITHIN
4 90 DAYS OF THE DATE THE APPLICATION WAS STAMPED BY THE SECRETARY AS NOT
5 BEING DISAPPROVED. ALL SUCH APPLICATIONS RETURNED TO THE SECRETARY
6 SHALL BE VOIDED AS AN INCOMPLETE SALE, RENTAL, OR TRANSFER.

7 [(k)] ~~(N)~~ Nothing in this section shall be construed to affect sales and/or
8 transfers for bona fide resale in the ordinary course of business of a person duly licensed
9 under § 443 of this subtitle, or sales, RENTALS, ~~transfer~~ TRANSFERS, and/or the use of
10 [pistols or revolvers] REGULATED FIREARMS by any person authorized or required to
11 sell, RENT, transfer, and/or use [such pistols or revolvers] REGULATED FIREARMS as
12 part of his or her duties as a member of any official police force or other law enforcement
13 agency, the armed forces of the United States, including all official reserve organizations,
14 or the Maryland National Guard.

15 [(l) Any person who knowingly gives any false information or makes any material
16 misstatement in an application required by this section, or who fails to promptly forward
17 such application to the Secretary of the State Police or the Secretary's duly authorized
18 agent or agents, or who sells or transfers a pistol or revolver to a person other than the
19 one by whom application was made, or who otherwise sells, transfers, purchases, or
20 receives transfer of a pistol or revolver in violation of this section, shall upon conviction
21 thereof be subject to the penalties hereinafter provided in § 448 of this subtitle.]

22 ~~442A.~~

23 ~~(A) A REGULATED FIREARMS DEALER OR PERSON MAY ONLY SELL OR~~
24 ~~TRANSFER A REGULATED FIREARM TO ANOTHER PERSON IF THE PURCHASER OR~~
25 ~~TRANSFEREE PRESENTS TO THE SELLER OR TRANSFEROR A VALID MARYLAND~~
26 ~~DRIVER'S LICENSE WITH APPROVED FIREARMS PURCHASE DESIGNATION OR~~
27 ~~PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE~~
28 ~~DESIGNATION ISSUED TO THE PURCHASER OR TRANSFEREE BY THE MOTOR~~
29 ~~VEHICLE ADMINISTRATION IN ACCORDANCE WITH THE PROVISIONS OF THIS~~
30 ~~SECTION.~~

31 ~~(B) A PERSON MAY ONLY PURCHASE OR RECEIVE A REGULATED FIREARM IF~~
32 ~~THE PERSON:~~

33 ~~(1) POSSESSES A VALID MARYLAND DRIVER'S LICENSE OR~~
34 ~~PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE~~
35 ~~DESIGNATION ISSUED TO THE PERSON BY THE MOTOR VEHICLE ADMINISTRATION;~~
36 ~~AND~~

37 ~~(2) COMPLIES WITH THE REQUIREMENTS AND IS NOT PROHIBITED~~
38 ~~UNDER THIS SUBHEADING.~~

39 ~~(C) THE MOTOR VEHICLE ADMINISTRATION SHALL ISSUE A DRIVER'S~~
40 ~~LICENSE WITH APPROVED FIREARMS PURCHASE DESIGNATION OR PHOTOGRAPHIC~~
41 ~~IDENTIFICATION CARD WITH APPROVED FIREARMS PURCHASE DESIGNATION UPON~~
42 ~~CERTIFICATION BY THE SECRETARY THAT THE APPLICANT:~~

43 ~~(1) IS AT LEAST 21 YEARS OLD;~~

19

1 ~~(2) IS A RESIDENT OF THE STATE;~~

2 ~~(3) HAS DEMONSTRATED SATISFACTORY COMPLETION OF A FIREARMS~~
3 ~~SAFETY TRAINING COURSE APPROVED BY THE SECRETARY; AND~~

4 ~~(4) BASED ON A COMPUTER AND FINGERPRINT BACKGROUND CHECK:~~

5 ~~(I) IS NOT PROHIBITED BY FEDERAL OR STATE LAW FROM~~
6 ~~PURCHASING OR POSSESSING A REGULATED FIREARM; AND~~

7 ~~(II) HAS NOT EXHIBITED A PROPENSITY FOR VIOLENCE OR~~
8 ~~INSTABILITY THAT MAY REASONABLY RENDER THE APPLICANT'S POSSESSION OF A~~
9 ~~REGULATED FIREARM AS A DANGER TO THE APPLICANT OR TO OTHERS.~~

10 ~~(D) IN ORDER TO OBTAIN A FIREARMS PURCHASE APPROVAL DESIGNATION~~
11 ~~ON THE APPLICANT'S MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC~~
12 ~~IDENTIFICATION CARD, AN APPLICANT MUST SUBMIT THE FOLLOWING TO THE~~
13 ~~SECRETARY:~~

14 ~~(1) A COMPLETED APPLICATION ON A FORM PROVIDED BY THE~~
15 ~~SECRETARY;~~

16 ~~(2) A NONREFUNDABLE FEE SET BY THE SECRETARY AT AN AMOUNT~~
17 ~~SUFFICIENT TO COVER THE COST OF PROCESSING THE APPLICATION, THE~~
18 ~~PROCEEDS OF WHICH SHALL BE CREDITED TO A SPECIAL FUND FOR THE ACCOUNT~~
19 ~~OF THE DEPARTMENT OF STATE POLICE;~~

20 ~~(3) PROOF OF SATISFACTORY COMPLETION OF A FIREARM SAFETY~~
21 ~~TRAINING COURSE APPROVED BY THE SECRETARY;~~

22 ~~(4) A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS TO~~
23 ~~BE TAKEN BY A DESIGNATED LAW ENFORCEMENT AGENCY;~~

24 ~~(5) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION~~
25 ~~REQUIRED BY THE SECRETARY; AND~~

26 ~~(6) A STATEMENT MADE BY THE APPLICANT UNDER THE PENALTY OF~~
27 ~~PERJURY THAT THE APPLICANT IS NOT PROHIBITED UNDER FEDERAL OR STATE~~
28 ~~LAW FROM POSSESSING A REGULATED FIREARM.~~

29 ~~(E) WITHIN 21 DAYS OF RECEIVING A PROPERLY COMPLETED APPLICATION,~~
30 ~~THE SECRETARY SHALL:~~

31 ~~(1) ISSUE TO THE MOTOR VEHICLE ADMINISTRATION A CERTIFICATION~~
32 ~~FOR A FIREARMS PURCHASE APPROVAL DESIGNATION FOR THE APPLICANT; OR~~

33 ~~(2) ISSUE TO THE APPLICANT A WRITTEN DENIAL OF THE APPLICATION~~
34 ~~THAT CONTAINS A STATEMENT OF THE APPLICANT'S APPEAL RIGHTS UNDER~~
35 ~~SUBSECTION (H) OF THIS SECTION.~~

36 ~~(F) (1) A FIREARMS PURCHASE APPROVAL DESIGNATION ISSUED UNDER~~
37 ~~THIS SECTION SHALL EXPIRE ON THE DATE THE MARYLAND DRIVER'S LICENSE OR~~
38 ~~PHOTOGRAPHIC IDENTIFICATION CARD EXPIRES.~~

1 ~~(2) THE FIREARMS PURCHASE APPROVAL DESIGNATION MAY BE~~
2 ~~RENEWED EACH TIME THE MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC~~
3 ~~IDENTIFICATION CARD IS RENEWED ON APPLICATION AND PAYMENT OF A~~
4 ~~RENEWAL FEE SET BY THE SECRETARY AT AN AMOUNT SUFFICIENT TO COVER THE~~
5 ~~COSTS OF PROCESSING THE RENEWAL APPLICATION, THE PROCEEDS OF WHICH~~
6 ~~SHALL BE CREDITED TO A SPECIAL FUND FOR THE ACCOUNT OF THE DEPARTMENT~~
7 ~~OF STATE POLICE.~~

8 ~~(3) THE SECRETARY SHALL RENEW THE FIREARMS PURCHASE~~
9 ~~APPROVAL DESIGNATION IF, THE SECRETARY DETERMINES, BASED ON A~~
10 ~~COMPUTER BACKGROUND CHECK, THAT, AT THE TIME OF THE APPLICATION, THE~~
11 ~~APPLICANT MEETS THE REQUIREMENTS OF PARAGRAPHS (1), (2), (4) (I) AND (II) OF~~
12 ~~SUBSECTION (C) OF THIS SECTION.~~

13 ~~(4) THE SECRETARY MAY NOT REQUIRE, AS A CONDITION OF~~
14 ~~RENEWAL, THE APPLICANT TO RETAKE THE FIREARMS SAFETY TRAINING COURSE~~
15 ~~DESCRIBED IN SUBSECTION (C)(3) OF THIS SECTION OR RESUBMIT A SET OF~~
16 ~~FINGERPRINTS.~~

17 ~~(G)(1) THE SECRETARY MAY REVOKE THE FIREARMS PURCHASE~~
18 ~~APPROVAL DESIGNATION ISSUED OR RENEWED UNDER THIS SECTION ON A~~
19 ~~FINDING THAT THE LICENSEE NO LONGER SATISFIES THE QUALIFICATIONS SET~~
20 ~~FORTH IN SUBSECTION (C) OF THIS SECTION.~~

21 ~~(2) A PERSON HOLDING A FIREARMS PURCHASE APPROVAL~~
22 ~~DESIGNATION THAT HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE~~
23 ~~MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC IDENTIFICATION CARD TO THE~~
24 ~~SECRETARY WITHIN 45 DAYS AFTER THE RECEIPT OF THE NOTICE OF THE~~
25 ~~REVOCATION.~~

26 ~~(H)(1) A PERSON WHOSE APPLICATION FOR A FIREARMS PURCHASE~~
27 ~~APPROVAL DESIGNATION OR RENEWAL OF A FIREARMS PURCHASE APPROVAL~~
28 ~~DESIGNATION IS DISAPPROVED OR WHOSE FIREARMS PURCHASE APPROVAL~~
29 ~~DESIGNATION HAS BEEN REVOKED MAY SUBMIT A WRITTEN REQUEST TO THE~~
30 ~~SECRETARY FOR A HEARING WITHIN 30 DAYS FROM THE DATE THE WRITTEN~~
31 ~~NOTICE OF THE DENIAL OR REVOCATION WAS FORWARDED TO THE AGGRIEVED~~
32 ~~PERSON.~~

33 ~~(2) A HEARING SHALL BE GRANTED BY THE SECRETARY WITHIN 15~~
34 ~~DAYS OF THE REQUEST.~~

35 ~~(3) THE HEARING AND ANY SUBSEQUENT PROCEEDINGS OF JUDICIAL~~
36 ~~REVIEW, IF ANY, SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF~~
37 ~~THE ADMINISTRATIVE PROCEDURE ACT.~~

38 ~~(4) THE HEARING SHALL BE HELD IN THE COUNTY OF THE LEGAL~~
39 ~~RESIDENCE OF THE AGGRIEVED PERSON.~~

40 ~~442B. 442A.~~

41 (A) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A PERSON MAY NOT
42 PURCHASE MORE THAN ONE REGULATED FIREARM IN A 30-DAY PERIOD.

21

1 (2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO:

2 (I) A LAW ENFORCEMENT AGENCY;

3 (II) AN AGENCY DULY AUTHORIZED TO PERFORM LAW
4 ENFORCEMENT DUTIES;

5 (III) STATE OR LOCAL CORRECTIONAL FACILITIES;

6 (IV) A PRIVATE SECURITY COMPANY LICENSED TO DO BUSINESS
7 WITHIN THE STATE;

8 (V) THE PURCHASE OF ANTIQUE FIREARMS AS DEFINED IN § 441 OF
9 THIS ARTICLE;

10 (VI) PURCHASES BY A LICENSED FIREARMS DEALER;

11 (VII) THE EXCHANGE OR REPLACEMENT OF A REGULATED
12 FIREARM BY A SELLER FOR A REGULATED FIREARM PURCHASED FROM THE
13 SELLER BY THE SAME PERSON SEEKING THE EXCHANGE OR REPLACEMENT WITHIN
14 THE 30-DAY PERIOD IMMEDIATELY PRECEDING THE DATE OF EXCHANGE OR
15 REPLACEMENT; OR

16 (VIII) A PERSON WHOSE REGULATED FIREARM IS STOLEN OR
17 IRRETRIEVABLY LOST AND WHO CONSIDERS IT ESSENTIAL THAT THE REGULATED
18 FIREARM BE REPLACED IMMEDIATELY, IF:

19 1. THE PERSON PROVIDES THE LICENSED REGULATED
20 FIREARMS DEALER WITH A COPY OF THE OFFICIAL POLICE REPORT OR AN OFFICIAL
21 SUMMARY OF THE REPORT A COPY OF WHICH SHALL BE ATTACHED TO THE
22 APPLICATION TO PURCHASE OR TRANSFER A REGULATED FIREARM;

23 2. THE OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY
24 OF THE REPORT CONTAINS THE NAME AND ADDRESS OF THE REGULATED FIREARM
25 OWNER, A DESCRIPTION OF THE REGULATED FIREARM, THE LOCATION OF THE
26 LOSS OR THEFT, THE DATE OF THE LOSS OR THEFT, AND THE DATE WHICH THE LOSS
27 OR THEFT WAS REPORTED TO THE LAW ENFORCEMENT AGENCY; AND

28 3. THE DATE OF THE LOSS OR THEFT AS REFLECTED ON THE
29 OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY OF THE REPORT OCCURRED
30 WITHIN 30 DAYS OF THE PERSON'S ATTEMPT TO REPLACE THE REGULATED
31 FIREARM.

32 ~~(3) FOLLOWING THE SALE OF A REGULATED FIREARM TO A PERSON
33 WHOSE REGULATED FIREARM WAS EITHER STOLEN OR IRRETRIEVABLY LOST, A
34 LICENSED REGULATED FIREARMS DEALER SHALL ATTACH A COPY OF THE
35 OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY OF THE REPORT TO THE
36 APPLICATION TO PURCHASE A REGULATED FIREARM AS REQUIRED IN THIS
37 SUBHEADING AND FORWARD BOTH DOCUMENTS TO THE SECRETARY.~~

38 (B) (1) UPON APPLICATION FOR A MULTIPLE PURCHASE TO AND APPROVAL
39 BY THE SECRETARY, PURCHASES IN EXCESS OF ONE REGULATED FIREARM IN A
40 30-DAY PERIOD MAY BE MADE UPON COMPLETION OF AN APPLICATION FOR

22

1 ~~MULTIPLE PURCHASES OF REGULATED FIREARMS CONTAINING THE FOLLOWING~~
2 ~~INFORMATION:~~

3 ~~(I) A LIST OF THE REGULATED FIREARMS TO BE PURCHASED AND~~
4 ~~TRANSFERRED FOR LAWFUL BUSINESS OR PERSONAL USE;~~

5 ~~(II) WHETHER UNDER THE FOLLOWING CIRCUMSTANCES:~~

6 ~~(I) THE PURCHASE OF THE REGULATED FIREARMS IS FOR A~~
7 ~~PRIVATE COLLECTION OR IS A COLLECTOR SERIES;~~

8 ~~(II) WHETHER THE PURCHASE OF THE REGULATED~~
9 ~~FIREARMS IS A BULK PURCHASE FROM AN ESTATE SALE; OR~~

10 ~~(III) THE PURCHASE OF NOT MORE THAN TWO REGULATED~~
11 ~~FIREARMS IS A MULTIPLE PURCHASE FOR THE PURPOSE OF TAKING ADVANTAGE OF~~
12 ~~A REGULATED FIREARMS DEALER'S DISCOUNTED PRICE AVAILABLE ONLY FOR A~~
13 ~~MULTIPLE PURCHASE, PROVIDED THAT THE PURCHASER IS PROHIBITED FROM~~
14 ~~PURCHASING A REGULATED FIREARM THE FOLLOWING 30-DAY PERIOD UNLESS~~
15 ~~APPROVED FOR A MULTIPLE PURCHASE UNDER ITEM (I) OR (II) OF THIS~~
16 ~~PARAGRAPH; OR~~

17 ~~(IV) OTHER SIMILAR PURPOSES.~~

18 (2) THE APPLICATION SHALL:

19 ~~(I) CONTAIN A LIST OF THE REGULATED FIREARMS TO BE~~
20 ~~PURCHASED OR TRANSFERRED;~~

21 ~~(II) STATE THE PURPOSE OF THE PURCHASE IN EXCESS OF~~
22 ~~ONE ~~GUN~~ REGULATED FIREARM IN A 30-DAY PERIOD;~~

23 ~~(III) BE WITNESSED BY A REGULATED FIREARMS DEALER OR~~
24 ~~DESIGNATED LAW ENFORCEMENT AGENCY THAT THE APPLICANT DISPLAYED A~~
25 ~~MARYLAND DRIVER'S LICENSE WITH APPROVED FIREARMS PURCHASE~~
26 ~~DESIGNATION OR A PHOTOGRAPHIC IDENTIFICATION CARD WITH APPROVED~~
27 ~~FIREARMS PURCHASE DESIGNATION; AND~~

28 ~~(IV) BE SIGNED UNDER THE PENALTY OF PERJURY BY THE~~
29 ~~APPLICANT.~~

30 (C) THE APPLICATION FOR A MULTIPLE PURCHASE OF REGULATED
31 FIREARMS SHALL BE ATTACHED TO A COMPLETED APPLICATION TO PURCHASE A
32 REGULATED FIREARM AND FORWARDED TO THE SECRETARY BY A LICENSED
33 REGULATED FIREARMS DEALER OR DESIGNATED LAW ENFORCEMENT AGENCY.

34 (D) UPON RECEIPT OF THE APPLICATION TO PURCHASE A REGULATED
35 FIREARM AND THE APPLICATION FOR A MULTIPLE PURCHASE, THE SECRETARY
36 SHALL COMPLETE A BACKGROUND INVESTIGATION AS DEFINED IN § 442 OF THIS
37 SUBTITLE.

38 (E) A DEALER OR PERSON MAY NOT SELL, RENT, OR TRANSFER ANY
39 REGULATED FIREARMS TO ~~AN APPLICANT~~ A PERSON WHOSE APPLICATION HAS

23

1 BEEN PLACED ON HOLD BECAUSE OF AN OPEN DISPOSITION OF CRIMINAL
2 PROCEEDINGS AGAINST THE APPLICANT OR DISAPPROVED, UNLESS THE HOLD OR
3 DISAPPROVAL HAS BEEN SUBSEQUENTLY WITHDRAWN BY THE SECRETARY OR
4 OVERRULED BY ACTIONS OF THE COURTS.

5 443.

6 (a) No person shall engage in the business of selling, RENTING, OR
7 TRANSFERRING [pistols or revolvers] REGULATED FIREARMS unless he lawfully
8 possesses and conspicuously displays at his place of business, in addition to any other
9 license required by law, a [pistol and revolver] REGULATED FIREARMS dealer's license
10 issued by the Secretary. [of the State Police or the Secretary's duly authorized agent or
11 agents.] Such license shall identify the licensee and the location of the licensee's place of
12 business. One such license shall be required for each place of businesswhere [pistols or
13 revolvers] REGULATED FIREARMS are sold.

14 (b) (1) The license required by subsection (a) above shall expire onthe 30th day
15 of June of each year.

16 (2) The initial fee for the license shall be ~~50~~150, and the annual
17 renewal shall be ~~25~~75, payable to the Comptroller of the State of Maryland.

18 (3) The license shall not be transferable nor shall any refund or proration of
19 the annual fee therefor be allowed. Provided, however, that before any licensee changes
20 his or her place of business, the licensee shall so inform the Secretary [of the State Police
21 or the Secretary's duly authorized agent or agents] and surrender his or her license,
22 whereupon the Secretary [or the Secretary's duly authorized agent or agents] shall, if no
23 cause exists for the revocation of the license, issue a new license, without fee, covering the
24 new place of business for the duration of the unexpired term of the surrendered license.

25 (4) As part of the application for a license, the applicant shall submit to the
26 Department of State Police:

27 (i) A complete set of the applicant's legible fingerprintstaken on
28 standard fingerprint cards; and

29 (ii) Payment for the cost of the fingerprint card record checks.

30 (c) Every annual application for a [pistol and revolver] REGULATED FIREARMS
31 dealer's license shall bear the following legend: "Any false information supplied or
32 statement made in this application is a crime which may be punished by imprisonment for
33 a period of not more than [two] 3 years, or a fine of not more than [\$1,000] \$5,000 or
34 both."

35 (d) The application for a [pistol and revolver] REGULATED FIREARMS dealer's
36 license shall contain the following information:

37 (1) Applicant's name, address, SOCIAL SECURITY NUMBER, place and date
38 of birth, height, weight, race, eye and hair color and signature. In the event the applicant
39 is a corporation, the application shall be completed and executed by a corporate officer
40 who is a resident of [the jurisdiction in which the application is made] THIS STATE.

24

1 (2) A clear and recognizable photograph of the applicant, except where such
2 photograph has been submitted with a prior year's application.

3 (3) A set of the applicant's fingerprints, except where such fingerprints have
4 been submitted with a prior year's application.

5 (4) A statement by the applicant that he or she:

6 (i) Is a citizen of the United States.

7 ~~(ii) IS NOT PROHIBITED BY FEDERAL LAW FROM PURCHASING OR~~
8 ~~POSSESSING A FIREARM.~~

9 ~~{(ii)}~~ ~~(iii)~~ Is at least 21 years of age [as required by federal law].

10 ~~{(iii)}~~ ~~(iv)~~ Has never been convicted of [a crime of violence, in this
11 State or elsewhere, or of a violation of any of the provisions of §§ 286, 286A, or 286C of
12 this article or any conspiracy to commit any crimes established by those sections or of any
13 of the provisions of this subtitle.]:

14 1. A CRIME OF VIOLENCE;

15 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE;

16 3. ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
17 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; OR

18 4. ANY VIOLATION CLASSIFIED AS A COMMON LAW
19 OFFENSE WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE
20 THAN 2 YEARS.

21 ~~{(iv)}~~ ~~(v)~~ Is not a fugitive from justice.

22 ~~{(v)}~~ ~~(vi)~~ Is not a habitual drunkard.

23 ~~{(vi)}~~ ~~(vii)~~ Is not an addict or a habitual user of [narcotics, barbiturates
24 or amphetamines] ANY CONTROLLED DANGEROUS SUBSTANCES.

25 ~~{(vii)}~~ ~~(viii)~~ Has never spent more than thirty consecutive days in any
26 medical institution for treatment of a mental disorder or disorders, unless there is
27 attached to the application a physician's certificate, issued within thirty days prior to the
28 date of application, certifying that the applicant is capable of possessing a pistol or
29 revolver without undue danger to himself or herself, or to others.

30 (e) The Secretary [of the State Police or the Secretary's duly authorized agent or
31 agents] shall conduct an investigation in order to determine the truth or falsity of the
32 information supplied and statements made in an application for a [pistol and revolver]
33 REGULATED FIREARMS dealer's license. If it be thereupon determined that any false
34 information or statement has been supplied or made by the applicant, A WRITTEN
35 NOTIFICATION IS RECEIVED FROM ~~A~~ THE APPLICANT'S LICENSED ATTENDING
36 PHYSICIAN THAT THE APPLICANT IS SUFFERING FROM A MENTAL DISORDER OR
37 DISORDERS AND IS A DANGER TO HIMSELF OR HERSELF OR TO OTHERS, or that the
38 application has not been properly completed, the Secretary [or the Secretary's duly

25

1 authorized agent or agents] shall forward written notification to the prospective licensee
2 of [his or their] THE SECRETARY'S disapproval of said application.

3 (f) No person shall engage in the business of selling [pistols or revolvers]
4 REGULATED FIREARMS whose application for a [pistol and revolver] REGULATED
5 FIREARMS dealer's license has been disapproved, unless such disapproval has been
6 subsequently withdrawn by the Secretary [of the State Police or the Secretary's duly
7 authorized agent or agents] or overruled by the action of the courts pursuant to
8 subsection (g) below.

9 (g) Any person aggrieved by the action of the Secretary [of the State Police or the
10 Secretary's duly authorized agent or agents] may appeal the disapproval of his or her
11 application for a [pistol and revolver] REGULATED FIREARMS dealer's license to the
12 circuit court of the county where the applicant's intended place of business is to be
13 conducted. Such appeal must be filed not later than thirty days from the date written
14 notification of disapproval to the prospective licensee was mailed by the Secretary [or the
15 Secretary's duly authorized agent or agents]. The court wherein an appeal is properly
16 and timely filed shall affirm or reverse the determination of disapproval rendered by the
17 Secretary [or the Secretary's duly authorized agent or agents], depending upon whether
18 it finds that any false information or statement was supplied or made by the applicant, or
19 that the application was not properly completed. A further appeal to the Court of Special
20 Appeals may be prosecuted by either the Secretary [of the State Police] or the applicant
21 from the decision reached by the circuit court in accordance with this subsection.

22 (H) THE SECRETARY SHALL SUSPEND AN ISSUED REGULATED FIREARMS
23 DEALER'S LICENSE BY WRITTEN NOTIFICATION FORWARDED TO THE LICENSEE
24 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES IF THE LICENSEE:

25 (1) IS UNDER INDICTMENT FOR A CRIME OF VIOLENCE; OR

26 (2) IS ARRESTED FOR ANY VIOLATION OF THIS SUBHEADING THAT
27 WOULD PROHIBIT THE PURCHASE OR POSSESSION OF A REGULATED FIREARM.

28 [(h)] (I) The Secretary [of the State Police or the Secretary's duly authorized
29 agent or agents] shall revoke an issued [pistol and revolver] REGULATED FIREARM
30 dealer's license, by written notification forwarded to the licensee, under any of the
31 following circumstances:

32 (1) When it is discovered false information or statements have been
33 supplied or made in an application required by this section[.

34 (2) If the licensee is convicted of a crime of violence, in this State or
35 elsewhere, or of any of the provisions of this subtitle, or is a fugitive from justice, or is a
36 habitual drunkard, or is addicted to or a habitual user of narcotics, barbiturates or
37 amphetamines, or has spent more than thirty consecutive days in any medical institution
38 for treatment of a mental disorder or disorders, unless the licensee produces a physician's
39 certificate, issued subsequent to the last period of institutionalization, certifying that the
40 licensee is capable of possessing a pistol or revolver without undue danger to himself or
41 herself, or to others.

42 (3) If the licensee has willfully manufactured, offered to sell, or sold a
43 handgun not on the handgun roster in violation of § 36-I of this article]; OR

26

1 (2) IF THE LICENSEE:

2 (I) IS CONVICTED OF A CRIME OF VIOLENCE;

3 (II) IS CONVICTED OF ANY VIOLATION CLASSIFIED AS A FELONY IN
4 THIS STATE;

5 (III) IS CONVICTED OF ANY VIOLATION CLASSIFIED AS A
6 MISDEMEANOR IN THIS STATE THAT CARRIES A STATUTORY PENALTY OF MORE
7 THAN 2 YEARS;

8 (IV) IS CONVICTED OF ANY VIOLATION CLASSIFIED AS A COMMON
9 LAW OFFENSE WHERE THE LICENSEE RECEIVED A TERM OF IMPRISONMENT OF
10 MORE THAT 2 YEARS;

11 (V) IS A FUGITIVE FROM JUSTICE;

12 (VI) IS A HABITUAL DRUNKARD;

13 (VII) IS ADDICTED TO OR A HABITUAL USER OF ANY CONTROLLED
14 DANGEROUS SUBSTANCE;

15 (VIII) HAS SPENT MORE THAN 30 CONSECUTIVE DAYS IN ANY
16 MEDICAL INSTITUTION FOR TREATMENT OF A MENTAL DISORDER OR DISORDERS,
17 UNLESS THE LICENSEE PRODUCES A PHYSICIAN'S CERTIFICATE, ISSUED
18 SUBSEQUENT TO THE LAST PERIOD OF INSTITUTIONALIZATION, CERTIFYING THAT
19 THE LICENSEE IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT
20 UNDUE DANGER TO HIMSELF OR HERSELF, OR TO OTHERS;

21 (IX) HAS KNOWINGLY OR WILLFULLY MANUFACTURED, OFFERED
22 TO SELL, OR SOLD A HANDGUN NOT ON THE HANDGUN ROSTER IN VIOLATION OF §
23 36-I OF THIS ARTICLE; OR

24 (X) HAS KNOWINGLY OR WILLFULLY PARTICIPATED IN A STRAW
25 PURCHASE OF A REGULATED FIREARM.

26 [(i)] (J) No person shall engage in the business of selling [pistols or revolvers]
27 REGULATED FIREARMS whose [pistol and revolver] REGULATED FIREARMS dealer's
28 license has been SUSPENDED OR revoked, unless such SUSPENSION OR revocation has
29 been subsequently withdrawn by the Secretary [of the State Police or the Secretary's duly
30 authorized agent or agents] or overruled by the action of the courts pursuant to
31 subsection [(j)] (K) below.

32 [(j)] (K) Any prospective dealer aggrieved by the action of the [Department of
33 State Police] SECRETARY may request a hearing within [thirty (30)] 30 days from the
34 date when written notice was forwarded to such aggrieved person by writing to the
35 Secretary, [of State Police,] who shall grant the hearing within [fifteen] 15 days of said
36 request. Said hearing and subsequent proceedings of judicial review, if any, thereupon
37 following shall be conducted in accordance with the provisions of the Administrative
38 Procedure Act. A [suspension or] revocation shall not take effect while an appeal is
39 pending.

1 [(k) Any person who engaged in the business of selling pistols or revolvers in
2 violation of this section or who knowingly gives any false information or makes any
3 material misstatement in an application required by this section shall upon conviction
4 thereof be subject to the penalties hereinafter provided in § 448 of this subtitle. Each day
5 on which pistols or revolvers are unlawfully sold or offered for sale shall be considered a
6 separate offense.

7 (l) The Secretary of the State Police shall adopt regulations to implement the
8 inclusion of an assault weapon, as defined under § 481E of this article, within the license,
9 sales, and transfer requirements under this section.]

10 443A.

11 [(a) (1) In this section the following words have the meanings indicated.

12 (2) "Gun show" means an organized gathering open to the public at which
13 any firearm is displayed.

14 (3) "Regulated firearm" means any firearm whose sale or transfer is subject
15 to the provisions of § 442 of this article.

16 (4) "Secretary" means the Secretary of the State Police or the Secretary's
17 designee.]

18 [(b)] (A) (1) (i) A person who displays a regulated firearm for sale or transfer
19 from a table or fixed display at a gun show shall first obtain a temporary transfer permit
20 from the Secretary.

21 (ii) The cost of an initial temporary transfer permit eachcalendar year
22 is \$10.

23 (iii) An additional temporary transfer permit during the same calendar
24 year shall be issued without charge.

25 (iv) A person may not receive more than five temporary transfer
26 permits during a single calendar year.

27 (v) A temporary transfer permit shall be clearly labeled "temporary"
28 and shall include the statement: "This is not a license to engage in the business of selling
29 firearms."

30 (vi) The application for a temporary transfer permit shallcontain any
31 information that is necessary for the Secretary to conduct a computer background
32 investigation.

33 (vii) Every application for a temporary transfer permit shall bear the
34 following statement: "Any false information supplied or statement made in this
35 application is a crime which may be punished by imprisonment for a period of not more
36 than 3 years or a fine of not more than \$5,000 or both."

37 (2) (i) The Secretary shall conduct an investigation to determine the truth
38 or falsity of the information supplied, and the statements made in the application for a
39 temporary transfer permit.

28

1 (ii) If there is no reason to disapprove the application for a temporary
2 transfer permit, the Secretary shall issue the permit within 7 days of the date of
3 application.

4 (3) The Secretary shall forward written notification of the disapproval to the
5 applicant, if it is determined that:

6 (i) The application is improperly completed;

7 (ii) Any false information has been supplied; or

8 (iii) A false statement has been made.

9 (4) The temporary transfer permit shall be placed in public view as part of
10 any display.

11 (5) Any person who holds a valid [pistol and revolver] REGULATED
12 FIREARMS dealer's license issued under § 443 of this article is exempt from the
13 requirements of this subsection.

14 [(c)] (B) Any sale or transfer of a regulated firearm from a table or a fixed display
15 at a gun show shall be governed by the provisions of [§ 442] §§ 442; AND 442A, ~~AND 442B~~
16 of this article.

17 [(d)] (C) Any person who, in any calendar year, displays a regulated firearm for
18 sale, trade, or transfer at more than five gun shows shall comply with § 443 of this article.

19 445.

20 (a) All restrictions imposed by the laws, ordinances or regulations of all
21 subordinate jurisdictions within the State of Maryland on possession or transfers by
22 private parties of [pistols and revolvers] REGULATED FIREARMS are superseded by this
23 section and the State of Maryland hereby preempts the right of such jurisdictions to
24 regulate the possession and transfer of [pistols and revolvers] REGULATED FIREARMS.

25 (b) A dealer or person may not sell, RENT, or transfer a [pistol or revolver]
26 REGULATED FIREARM to [a] ANY person whom he knows or has reasonable cause to
27 believe [has been convicted of a crime of violence, or of a violation of any of the
28 provisions of § 286, § 286A, or § 286C of this article, or any conspiracy to commit any
29 crimes established by those sections or of any of the provisions of this subtitle, or is a
30 fugitive from justice, or is a habitual drunkard, or is addicted to or a habitual user of
31 narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly
32 under the influence of alcohol or drugs, or to any person under 21 years of age as
33 required by federal law.]:

34 (1) HAS BEEN CONVICTED OF:

35 (I) A CRIME OF VIOLENCE;

36 (II) ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE OR
37 ANY CONSPIRACY TO COMMIT ANY CRIMES ESTABLISHED BY THOSE SECTIONS;

38 (III) ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
39 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; OR

29

1 (IV) ANY VIOLATION CLASSIFIED AS A COMMON LAW OFFENSE
2 WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2
3 YEARS.

4 (2) IS:

5 (I) A FUGITIVE FROM JUSTICE;

6 (II) A HABITUAL DRUNKARD;

7 (III) ADDICTED TO OR A HABITUAL USER OF ANY CONTROLLED
8 DANGEROUS SUBSTANCE OR SUBSTANCES;

9 ~~(IV) OF UNSOUND MIND;~~

10 (IV) SUFFERING FROM A MENTAL DISORDER AS DEFINED IN §
11 10-101(H)(2) OF THE HEALTH - GENERAL ARTICLE AND HAS A HISTORY OF VIOLENT
12 BEHAVIOR AGAINST ANOTHER PERSON OR SELF, OR HAS BEEN CONFINED FOR
13 MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE
14 HEALTH - GENERAL ARTICLE, UNLESS THE PERSON POSSESSES A PHYSICIAN'S
15 CERTIFICATION THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED
16 FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO OTHERS;

17 (V) VISIBLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS;

18 (VI) UNDER 21 YEARS OF AGE;

19 (VII) A PARTICIPANT IN A "STRAW PURCHASE" AS DEFINED IN § 441
20 OF THIS ARTICLE; OR

21 (VIII) ~~PROHIBITED BY FEDERAL LAW FROM PURCHASING OR~~
22 ~~POSSESSING A FIREARM.~~

23 ~~(3) HAS BEEN~~ A RESPONDENT AGAINST WHOM A CURRENT NON EX
24 PARTE CIVIL ~~PROTECTION~~ PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506
25 OF THE FAMILY LAW ARTICLE.

26 (C) A PERSON MAY NOT SELL, RENT, OR TRANSFER:

27 (1) AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM TO A
28 PERSON WHO IS UNDER 21 YEARS OF AGE; OR

29 (2) A FIREARM, OTHER THAN A REGULATED FIREARM, AMMUNITION
30 FOR A FIREARM, PEPPER MACE, OR OTHER DEADLY WEAPON TO A MINOR.

31 [(c)] (D) A person may not possess a [pistol or revolver] REGULATED FIREARM
32 if the person:

33 (1) Has been convicted of:

34 (i) A crime of violence; [or]

35 (ii) [Any provisions of this subtitle; or] ANY VIOLATION CLASSIFIED
36 AS A FELONY IN THIS STATE;

30

1 (III) ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
2 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS; OR

3 (IV) ANY VIOLATION CLASSIFIED AS A COMMON LAW OFFENSE
4 WHERE THE PERSON RECEIVED A TERM OF IMPRISONMENT OF MORE THAT 2
5 YEARS.

6 (2) Is:

7 (i) A fugitive from justice;

8 (ii) A habitual drunkard;

9 (iii) A ADDICTED TO OR A habitual ~~abuser of~~ USER [narcotics,
10 barbiturates, or amphetamines] OF ANY CONTROLLED DANGEROUS SUBSTANCES;
11 [or]

12 (iv) Suffering from a mental disorder as defined in § 10-101 (h) (2) of
13 the Health - General Article and has a history of violent behavior against another person
14 or self, or has been confined for more than 30 consecutive days to a facility as defined in
15 § 10-101 of the Health - General Article, unless the person possesses a physician's
16 certification that the person is capable of possessing a [pistol or revolver] REGULATED
17 FIREARM without undue danger to the person or to others[.]; OR

18 (V) ~~PROHIBITED BY FEDERAL LAW FROM POSSESSING A FIREARM;~~
19 ~~OR~~

20 ~~(VI) HAS BEEN A RESPONDENT AGAINST WHOM A CIVIL CURRENT~~
21 NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF
22 THE FAMILY LAW ARTICLE.

23 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
24 PERSON WHO IS UNDER 21 YEARS OF AGE MAY NOT POSSESS A REGULATED
25 FIREARM OR AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM.

26 (2) UNLESS A PERSON IS OTHERWISE PROHIBITED FROM POSSESSING A
27 REGULATED FIREARM, THIS SUBSECTION DOES NOT APPLY TO:

28 (I) THE TEMPORARY TRANSFER OR POSSESSION OF A
29 REGULATED FIREARM OR REGULATED FIREARM AMMUNITION IF THE PERSON IS
30 UNDER 21 YEARS OF AGE AND IS:

31 1. UNDER THE SUPERVISION OF A PERSON AT LEAST 21
32 YEARS OF AGE WHO IS NOT PROHIBITED BY STATE OR FEDERAL LAW FROM
33 POSSESSING FIREARMS; AND

34 2. ACTING WITH THE PERMISSION OF THE PARENT OR
35 LEGAL GUARDIAN OF THE TRANSFEREE OR PERSON IN POSSESSION;

36 (II) THE TRANSFER BY INHERITANCE OF TITLE, AND NOT OF
37 POSSESSION, OF A REGULATED FIREARM;

31

1 (III) A PERSON WHO IS A MEMBER OF THE ARMED FORCES OF THE
2 UNITED STATES OR OF THE NATIONAL GUARD WHILE PERFORMING OFFICIAL
3 DUTIES; OR

4 (IV) THE TEMPORARY TRANSFER OR POSSESSION OF A
5 REGULATED FIREARM OR REGULATED FIREARM AMMUNITION IF THE PERSON IS
6 UNDER 21 YEARS OF AGE AND IS:

7 1. PARTICIPATING IN MARKSMANSHIP TRAINING OF A
8 RECOGNIZED ORGANIZATION; AND

9 2. UNDER THE SUPERVISION OF A QUALIFIED INSTRUCTOR;

10 (V) A PERSON WHO IS REQUIRED TO POSSESS A REGULATED
11 FIREARM FOR EMPLOYMENT PURPOSES AND HAS BEEN ISSUED A PERMIT UNDER §
12 36E OF THIS ARTICLE; OR

13 ~~(IV)~~ (VI) THE POSSESSION OF A FIREARM OR AMMUNITION FOR
14 THE PURPOSE OF SELF-DEFENSE OR THE DEFENSE OF OTHERS AGAINST A
15 TRESPASSER INTO THE RESIDENCE OF THE PERSON IN POSSESSION OR INTO A
16 RESIDENCE IN WHICH THE PERSON IN POSSESSION IS AN INVITED GUEST.

17 445A.

18 (A) ANY PERSON WHO PURCHASES A REGULATED FIREARM FROM AN
19 OUT-OF-STATE LICENSED IMPORTER, LICENSED MANUFACTURER, OR LICENSED
20 DEALER WHERE THE REGULATED FIREARM WILL BE OWNED BY THAT PERSON
21 SHALL:

22 (1) HAVE THE LICENSED IMPORTER, LICENSED MANUFACTURER, OR
23 LICENSED DEALER SHIP THE REGULATED FIREARM TO A REGULATED FIREARMS
24 DEALER IN THIS STATE FOR PROCESSING; AND

25 (2) COMPLY WITH §§ 442 AND ~~442B~~ 442A OF THIS ~~SUBTITLE~~ SUBHEADING.

26 (B) THE SECRETARY MAY WAIVE THE 7-DAY WAITING PERIOD FOR LAW
27 ENFORCEMENT PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY
28 AGENCY OR DEPARTMENT OF THE UNITED STATES, MEMBERS OF THE ARMED
29 FORCES OF THE UNITED STATES OR OF THE NATIONAL GUARD, OR LAW
30 ENFORCEMENT PERSONNEL OF THIS STATE OR ANY LOCAL AGENCY IN THIS STATE
31 WHEN THE PERSON IS PURCHASING THE REGULATED FIREARM FOR USE WITHIN
32 THE SCOPE OF HIS OR HER OFFICIAL DUTIES.

33 445B.

34 ANY REGULATED FIREARM SOLD, RENTED, TRANSFERRED, POSSESSED,
35 RECEIVED, OR PURCHASED IN VIOLATION OF THIS ~~SUBTITLE~~ SUBHEADING MAY BE
36 SEIZED BY A LAW ENFORCEMENT AGENCY AS CONTRABAND AND, AFTER A FINDING
37 OF GUILT, DISPOSED OF ACCORDING TO THE REGULATIONS OF THE SEIZING LAW
38 ENFORCEMENT AGENCY.

32

1 446.

2 It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of
3 any stolen [pistol or revolver] REGULATED FIREARM, knowing or having reasonable
4 cause to believe same to have been stolen.

5 [448.

6 Any person violating any of the provisions of this subtitle unless otherwise stated
7 herein is guilty of a misdemeanor and shall upon conviction be fined not more than \$5,000
8 or imprisoned for not more than three years, or both.]

9 448.

10 THE SECRETARY SHALL PROMULGATE REGULATIONS TO CARRY OUT THE
11 PROVISIONS OF THIS SUBHEADING.

12 449.

13 (A) ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF § 445(C) OF THIS
14 SUBHEADING IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE
15 FINED NOT MORE THAN \$1,000 OR IMPRISONED FOR NOT MORE THAN 1 YEAR OR
16 BOTH.

17 (B) ANY PERSON WHO KNOWINGLY GIVES ANY FALSE INFORMATION OR
18 MAKES ANY MATERIAL MISSTATEMENT IN AN APPLICATION TO PURCHASE A
19 REGULATED FIREARM OR AN APPLICATION FOR A REGULATED FIREARMS
20 DEALERS LICENSE SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION
21 BE FINED NOT MORE THAN \$5,000 OR IMPRISONED FOR NOT MORE THAN 3 YEARS,
22 OR BOTH.

23 (C) ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF § ~~442B~~ 442A OF
24 THIS ~~SUBTITLE~~ SUBHEADING IS GUILTY OF A MISDEMEANOR AND SHALL UPON
25 CONVICTION BE FINED NOT MORE THAN \$5,000 OR IMPRISONED FOR NOT MORE
26 THAN 3 YEARS OR BOTH.

27 (D) ANY PERSON OR DEALER WHO IS A KNOWING PARTICIPANT IN A STRAW
28 PURCHASE OF A REGULATED FIREARM TO A PROHIBITED PERSON OR TO A MINOR,
29 OR TRANSPORTS REGULATED FIREARMS INTO THIS STATE FOR THE PURPOSE OF
30 ILLEGAL SALE OR TRAFFICKING OF A REGULATED FIREARM SHALL BE GUILTY OF A
31 ~~FELONY MISDEMEANOR~~ AND UPON CONVICTION BE FINED NOT MORE THAN \$25,000
32 OR IMPRISONED FOR NOT MORE THAN 10 YEARS, OR BOTH. EACH VIOLATION SHALL
33 BE CONSIDERED A SEPARATE OFFENSE.

34 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY DEALER OR
35 PERSON WHO KNOWINGLY PARTICIPATES IN THE ILLEGAL SALE, RENTAL,
36 TRANSFER, PURCHASE, POSSESSION, OR RECEIPT OF A REGULATED FIREARM IN
37 VIOLATION OF THIS SUBHEADING SHALL BE GUILTY OF A ~~FELONY MISDEMEANOR~~
38 AND UPON CONVICTION SHALL BE FINED NOT MORE THAN \$10,000 OR IMPRISONED
39 FOR NOT MORE THAN 5 YEARS, OR BOTH. EACH VIOLATION SHALL BE CONSIDERED
40 A SEPARATE OFFENSE.

33

1 **Article - Family Law**

2 4-506.

3 (a) A respondent under § 4-505 of this subtitle shall have an opportunity to be
4 heard on the question of whether the court should issue a protective order.

5 (b) (1) The temporary ex parte order shall state the date and time of the
6 protective order hearing.

7 (2) Unless continued for good cause, the protective order hearing shall be
8 held no later than 7 days after the temporary ex parte order is served on the respondent.

9 (c) (1) If the respondent appears for the protective order hearing, has been
10 served with the temporary ex parte order, or the court otherwise has personal jurisdiction
11 over the respondent, the court:

12 (i) may proceed with the protective order hearing; and

13 (ii) if the court finds by clear and convincing evidence that the alleged
14 abuse has occurred, or if the respondent consents to the entry of a protective order, the
15 court may grant a protective order to protect any person eligible for relief from abuse.

16 (2) A protective order may be issued only to a person who has filed a
17 petition under § 4-504 of this subtitle.

18 (3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in
19 cases where both parties file a petition under § 4-504 of this subtitle, the court may issue
20 mutual protective orders if the court finds by clear and convincing evidence that mutual
21 abuse has occurred.

22 (ii) The court may issue mutual protective orders only if the court
23 makes a detailed finding of fact that:

24 1. both parties acted primarily as aggressors; and

25 2. neither party acted primarily in self-defense.

26 (d) The protective order may include any or all of the following relief:

27 (1) order the respondent to refrain from abusing or threatening to abuse any
28 person eligible for relief;

29 (2) order the respondent to refrain from contacting, attempting to contact,
30 or harassing any person eligible for relief;

31 (3) order the respondent to refrain from entering the residence of any
32 person eligible for relief;

33 (4) where the person eligible for relief and the respondent are residing
34 together at the time of the abuse, order the respondent to vacate the home immediately
35 and award temporary use and possession of the home to the person eligible for relief or,
36 in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award
37 temporary use and possession of the home to an adult living in the home, provided that
38 the court may not grant an order to vacate and award temporary use and possession of the

34

1 home to a nonspouse person eligible for relief unless the name of the person eligible for
2 relief appears on the lease or deed to the home or the person eligible for relief has shared
3 the home with the respondent for a period of at least 90 days within 1 year before the
4 filing of the petition;

5 (5) order the respondent to remain away from the place of employment,
6 school, or temporary residence of a person eligible for relief or home of other family
7 members;

8 (6) award temporary custody of a minor child of the respondent and a
9 person eligible for relief;

10 (7) establish temporary visitation with a minor child of the respondent and a
11 person eligible for relief on a basis which gives primary consideration to the welfare of the
12 minor child and the safety of any other person eligible for relief. If the court finds that the
13 safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted
14 visitation, the court shall condition or restrict visitation as to time, place, duration, or
15 supervision, or deny visitation entirely, as needed to guard the safety of any person
16 eligible for relief;

17 (8) award emergency family maintenance as necessary to support any person
18 eligible for relief to whom the respondent has a duty of support under this article,
19 including an immediate and continuing withholding order on all earnings of the
20 respondent in the amount of the ordered emergency family maintenance in accordance
21 with the procedures specified in Title 10, Subtitle 1, Part III of this article;

22 (9) award temporary use and possession of a vehicle jointly owned by the
23 respondent and a person eligible for relief to the person eligible for relief if necessary for
24 the employment of the person eligible for relief or for the care of a minor child of the
25 respondent or a person eligible for relief;

26 (10) direct the respondent or any or all of the persons eligible for relief to
27 participate in professionally supervised counseling or a domestic violence program; [or]

28 (11) ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT
29 AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION FOR THE
30 DURATION OF THE PROTECTIVE ORDER; OR

31 [(11)] (12) order the respondent to pay filing fees and costs of a proceeding
32 under this subtitle.

33 (e) In determining whether to order the respondent to vacate the home under §
34 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the court shall consider
35 the following factors:

36 (1) the housing needs of any minor child living in the home;

37 (2) the duration of the relationship between the respondent and any person
38 eligible for relief;

39 (3) title to the home;

40 (4) pendency and type of criminal charges against the respondent;

35

1 (5) the history and severity of abuse in the relationship between the
2 respondent and any person eligible for relief;

3 (6) the existence of alternative housing for the respondent and any person
4 eligible for relief; and

5 (7) the financial resources of the respondent and the person eligible for
6 relief.

7 (f) (1) A copy of the protective order shall be served on the petitioner, any
8 affected person eligible for relief, the appropriate law enforcement agency, and any other
9 person the court determines is appropriate, in open court or by first class mail.

10 (2) (i) A copy of the protective order shall be served on the respondent in
11 open court or by a law enforcement officer, constable, or sheriff.

12 (ii) A copy of the protective order shall also be sent to the last known
13 address of the respondent by first class mail.

14 (3) If the respondent is served by a law enforcement officer, constable, or
15 sheriff, a return of service shall be filed with the court.

16 (g) All relief granted in a protective order shall be effective for the period stated
17 in the order, not to exceed 200 days.

18 4-511.

19 (A) WHEN RESPONDING TO THE SCENE OF AN ALLEGED ACT OF DOMESTIC
20 VIOLENCE, AS DESCRIBED IN THIS SUBTITLE, A LAW ENFORCEMENT OFFICER ~~SHALL~~
21 MAY REMOVE A FIREARM FROM THE PREMISES SCENE IF:

22 (1) THE LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO
23 BELIEVE THAT AN ACT OF DOMESTIC VIOLENCE HAS OCCURRED; AND

24 (2) THE LAW ENFORCEMENT OFFICER HAS OBSERVED THE FIREARM
25 ON THE ~~PREMISES~~ SCENE DURING THE RESPONSE.

26 (B) IF A FIREARM IS REMOVED FROM THE ~~PREMISES~~ SCENE UNDER
27 SUBSECTION (A) OF THIS SECTION, THE LAW ENFORCEMENT OFFICER SHALL:

28 (1) PROVIDE TO THE OWNER OF THE FIREARM INFORMATION ON THE
29 PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

30 (2) PROVIDE FOR THE SAFE STORAGE OF THE FIREARM DURING THE
31 PENDENCY OF ANY PROCEEDING RELATED TO THE ALLEGED ACT OF DOMESTIC
32 VIOLENCE.

33 (C) AT THE CONCLUSION OF A PROCEEDING ON THE ALLEGED ACT OF
34 DOMESTIC VIOLENCE, THE OWNER OF THE FIREARM MAY RETAKE POSSESSION OF
35 THE FIREARM UNLESS ORDERED TO SURRENDER THE FIREARM UNDER § 4-506 OF
36 THIS SUBTITLE.

36

1 **Article - Courts and Judicial Proceedings**

2 5-106.

3 (S) A PROSECUTION FOR AN OFFENSE UNDER § 449(D) OR (E) OF THIS
4 SUBTITLE, RELATING TO STRAW SALES OF REGULATED FIREARMS TO PROHIBITED
5 PERSONS OR MINORS AND TO ILLEGAL SALES, RENTALS, TRANSFERS, POSSESSION,
6 OR RECEIPT OF REGULATED FIREARMS, SHALL BE INSTITUTED WITHIN 3 YEARS
7 AFTER THE OFFENSE WAS COMMITTED.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article 27 - Crimes and Punishments**

11 12A-2.

12 (a) (1) Any person who recklessly engages in conduct that creates a substantial
13 risk of death or serious physical injury to another person is guilty of the misdemeanor of
14 reckless endangerment and on conviction is subject to a fine of not more than \$5,000 or
15 imprisonment for not more than 5 years or both.

16 (2) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION,
17 ANY PERSON WHO RECKLESSLY DISCHARGES A FIREARM FROM A MOTOR VEHICLE
18 IN SUCH A MANNER THAT IT CREATES A SUBSTANTIAL RISK OF DEATH OR SERIOUS
19 PHYSICAL INJURY TO ANOTHER PERSON IS GUILTY OF THE MISDEMEANOR OF
20 RECKLESS ENDANGERMENT AND ON CONVICTION IS SUBJECT TO A FINE NOT
21 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

22 (b) This section does not apply to any conduct involving:

23 (1) The use of a motor vehicle as defined in § 11-135 of the Transportation
24 Article; [or]

25 (2) The manufacture, production, or sale of any product or commodity;

26 (3) A LAW ENFORCEMENT OFFICER OR SECURITY GUARD IN THE
27 PERFORMANCE OF THE OFFICER'S OR SECURITY GUARD'S OFFICIAL DUTY; OR

28 (4) AN INDIVIDUAL ACTING IN DEFENSE OF A CRIME OF VIOLENCE.

29 (c) If more than one person is endangered by the conduct of the defendant, a
30 separate charge may be brought for each person endangered.

31 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act
32 shall take effect October 1, 1996, contingent on the taking effect of Chapter _____ (S.B.
33 618/H.B. 749) of the Acts of the General Assembly of 1996, and if Chapter _____ does not
34 become effective, Section 3 of this Act shall be null and void without the necessity of
35 further action by the General Assembly. If Chapter _____ becomes effective, § 120 of
36 Article 27, as amended by Section 2 of this Act, shall be null and void without the
37 necessity of further action by the General Assembly.

38 SECTION 2- 5. AND BE IT FURTHER ENACTED, That, subject to the
39 provisions of Section 4 of this Act, this Act shall take effect October 1, 1996.

