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**By: Delegates Goldwater, Kopp, and Grosfeld**

Introduced and read first time: January 16, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Regulated Firearms - Sale, Transfer, and Possession - Stalking**

3 FOR the purpose of prohibiting the sale or transfer of a regulated firearm to, or  
4 possession of a regulated firearm by, a person who is currently charged with  
5 stalking; making a technical correction; and generally relating to the sale, transfer,  
6 and possession of regulated firearms.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 445  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume)

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18 private parties of regulated firearms are superseded by this section and the State of  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 regulated firearms.

21 (b) A dealer or person may not sell, rent, or transfer a regulated firearm to any  
22 person whom he knows or has reasonable cause to believe:

23 (1) Has been convicted of:

24 (i) A crime of violence;

25 (ii) Any violation classified as a felony in this State or any conspiracy  
26 to commit any crimes established by those sections;

27 (iii) Any violation classified as a misdemeanor in this State that carries  
28 a statutory penalty of more than 2 years; or

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1 (iv) Any violation classified as a common law offense where the person  
2 received a term of imprisonment of more than 2 years.

3 (2) Is:

4 (i) A fugitive from justice;

5 (ii) A habitual drunkard;

6 (iii) Addicted to or a habitual user of any controlled dangerous  
7 substance or substances;

8 (iv) Suffering from a mental disorder as defined in § 10-101(f)(2) of  
9 the Health - General Article and has a history of violent behavior against another person  
10 or self, or has been confined for more than 30 consecutive days to a facility as defined in  
11 § 10-101 of the Health - General Article, unless the person possesses a physician's  
12 certification that the person is capable of possessing a regulated firearm without undue  
13 danger to the person or to others;

14 (v) Visibly under the influence of alcohol or drugs;

15 (vi) Under 21 years of age;

16 (vii) A participant in a "straw purchase" as defined in § 441 of this  
17 article; [or]

18 (viii) A respondent against whom a current non ex parte civil protective  
19 order has been entered under § 4-506 of the Family Law Article; OR

20 (IX) CURRENTLY CHARGED WITH THE CRIME OF STALKING UNDER  
21 § 121B OF THIS ARTICLE.

22 (c) A person may not sell, rent, or transfer:

23 (1) Ammunition solely designed for a regulated firearm to a person who is  
24 under 21 years of age; or

25 (2) A firearm, other than a regulated firearm, ammunition for a firearm,  
26 pepper mace, or other deadly weapon to a minor.

27 (d) A person may not possess a regulated firearm if the person:

28 (1) Has been convicted of:

29 (i) A crime of violence;

30 (ii) Any violation classified as a felony in this State;

31 (iii) Any violation classified as a misdemeanor in this State that carries  
32 a statutory penalty of more than 2 years; or

33 (iv) Any violation classified as a common law offense where the person  
34 received a term of imprisonment of more [that] THAN 2 years.

35 (2) Is:

3

1 (i) A fugitive from justice;

2 (ii) A habitual drunkard;

3 (iii) Addicted to or a habitual user of any controlled dangerous  
4 substances;

5 (iv) Suffering from a mental disorder as defined in § 10-101(f)(2) of  
6 the Health - General Article and has a history of violent behavior against another person  
7 or self, or has been confined for more than 30 consecutive days to a facility as defined in  
8 § 10-101 of the Health - General Article, unless the person possesses a physician's  
9 certification that the person is capable of possessing a regulated firearm without undue  
10 danger to the person or to others; [or]

11 (v) A respondent against whom a current non ex parte civil protective  
12 order has been entered under § 4-506 of the Family Law Article; OR

13 (VI) CURRENTLY CHARGED WITH THE CRIME OF STALKING UNDER  
14 § 121B OF THIS ARTICLE.

15 (e) (1) Except as provided in paragraph (2) of this subsection, a person who is  
16 under 21 years of age may not possess a regulated firearm or ammunition solely designed  
17 for a regulated firearm.

18 (2) Unless a person is otherwise prohibited from possessing a regulated  
19 firearm, this subsection does not apply to:

20 (i) The temporary transfer or possession of a regulated firearm or  
21 regulated firearm ammunition if the person is under 21 years of age and is:

22 1. Under the supervision of a person at least 21 years of age  
23 who is not prohibited by State or federal law from possessing firearms; and

24 2. Acting with the permission of the parent or legal guardian of  
25 the transferee or person in possession;

26 (ii) The transfer by inheritance of title, and not of possession, of a  
27 regulated firearm;

28 (iii) A person who is a member of the armed forces of the United  
29 States or of the National Guard while performing official duties;

30 (iv) The temporary transfer or possession of a regulated firearm or  
31 regulated firearm ammunition if the person is under 21 years of age and is:

32 1. Participating in marksmanship training of a recognized  
33 organization; and

34 2. Under the supervision of a qualified instructor;

35 (v) A person who is required to possess a regulated firearm for  
36 employment purposes and has been issued a permit under § 36E of this article; or

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1                   (vi) The possession of a firearm or ammunition for the purpose of  
2 self-defense or the defense of others against a trespasser into the residence of the person  
3 in possession or into a residence in which the person in possession is an invited guest.

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 1997.