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By: **Senator Baker**  
Introduced and read first time: February 6, 1998  
Assigned to: Judicial Proceedings

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 18, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Handgun Manufacturers - Out-of-State Sales to Governmental Entities and**  
3 **Law Enforcement Agencies**

4 FOR the purpose of authorizing the manufacture in the State of certain handguns not  
5 on the handgun roster by a federally licensed gun manufacturer that was also  
6 licensed as a regulated firearms dealer in the State as of a certain date, for  
7 direct sale to a unit of the federal government, a state other than the State of  
8 Maryland, an out-of-state local government, or an out-of-state law  
9 enforcement agency; and generally relating to the manufacture and sales of  
10 certain handguns.

11 BY repealing and reenacting, with amendments,  
12 Article 27 - Crimes and Punishments  
13 Section 36-I  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1997 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 36-I.

20 (a) Except [for the manufacture of prototype models required for design,  
21 development, testing, and approval by the Board] AS PROVIDED IN SUBSECTION (F)  
22 OF THIS SECTION, a person may not manufacture for distribution or sale any  
23 handgun that is not included on the handgun roster in the State.

1 (b) A person may not sell or offer for sale in the State a handgun  
2 manufactured after January 1, 1985 that is not on the handgun roster.

3 (c) A person may not manufacture, sell, or offer for sale any handgun on which  
4 the manufacturer's identification mark or number is obliterated, removed, changed,  
5 or otherwise altered.

6 (d) The Secretary may seek a permanent or temporary injunction from a  
7 circuit court to enjoin the willful and continuous manufacture, sale, or offer for sale,  
8 in violation of this section, of a handgun not included on the handgun roster.

9 (e) Subject to the provisions of the Administrative Procedure Act, the  
10 Secretary of the State Police shall adopt rules and regulations necessary to carry out  
11 the provisions of this section and § 36J of this subheading.

12 (f) Nothing in this section shall be construed to interfere with:

13 (1) [a] A person's ability to:

14 (I) [manufacture] MANUFACTURE, sell, or offer to sell rifles or  
15 other weapons not defined as handguns in § 36F(b) of this article; OR

16 (II) MANUFACTURE PROTOTYPE HANDGUN MODELS REQUIRED  
17 FOR DESIGN, DEVELOPMENT, TESTING, AND APPROVAL BY THE BOARD; AND

18 (2) THE MANUFACTURING IN THE STATE OF A HANDGUN NOT ON THE  
19 HANDGUN ROSTER BY A FEDERALLY LICENSED GUN MANUFACTURER THAT WAS  
20 ALSO LICENSED AS A REGULATED FIREARMS DEALER IN THE STATE AS OF JANUARY  
21 1, 1998, FOR DIRECT SALE TO A UNIT OF:

22 (I) THE FEDERAL GOVERNMENT;

23 (II) A STATE OTHER THAN THE STATE OF MARYLAND;

24 (III) AN OUT-OF-STATE LOCAL GOVERNMENT; OR

25 (IV) AN OUT-OF-STATE LAW ENFORCEMENT AGENCY.

26 (g) (1) Any person who manufactures a handgun for distribution or sale in  
27 violation of this section shall be guilty of a misdemeanor and shall be fined not more  
28 than \$10,000 for each violation.

29 (2) Any person or entity who sells or offers to sell a handgun in violation  
30 of this section shall be guilty of a misdemeanor and shall be fined not more than  
31 \$2,500 for each violation.

32 (3) For purposes of this subsection, each handgun manufactured, sold, or  
33 offered for sale in violation of this subsection shall be a separate violation.

34 (h) (1) A person or entity may not be held strictly liable for damages of any  
35 kind resulting from injuries to another person sustained as a result of the criminal

1 use of any firearm by a third person, unless the person or entity conspired with the  
2 third person to commit, or willfully aided, abetted, or caused the commission of the  
3 criminal act in which the firearm was used.

4           (2)       This section may not be construed to otherwise negate, limit, or  
5 modify the doctrine of negligence or strict liability relating to abnormally dangerous  
6 products or activities and defective products.

7       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1998.