

SENATE BILL 502

Unofficial Copy
E4

1998 Regular Session
8r1741

By: **Senators Derr and Ferguson (Frederick County Senators)**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Regulated Firearms Dealers - Holding Period**

3 FOR the purpose of requiring regulated firearms dealers in Frederick County to make
4 certain records of firearms that are acquired by the dealer; requiring that the
5 records contain certain information; requiring that the dealer keep the records
6 for a certain period of time; requiring that the dealer submit a copy of each
7 record to a local law enforcement unit within a certain period; requiring a dealer
8 who acquires a firearm to keep it at specified locations for a certain time;
9 establishing certain exceptions to this requirement; prohibiting a dealer from
10 altering a firearm for a certain period; requiring a dealer to allow an authorized
11 law enforcement officer or agent, under certain circumstances, to enter the
12 dealer's place of business or storage facility during business hours to inspect a
13 firearm or record required to be maintained under this Act; requiring a court to
14 issue a search warrant under certain circumstances; and generally relating to
15 regulated firearms dealers in Frederick County.

16 BY adding to
17 Article 27 - Crimes and Punishments
18 Section 442B
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article 27 - Crimes and Punishments
23 Section 449(e)
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 1997 Supplement)

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

1

Article 27 - Crimes and Punishments

2 442B.

3 (A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

4 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (2) "DEALER" MEANS A PERSON WHO HAS OBTAINED A REGULATED
7 FIREARMS DEALER'S LICENSE UNDER § 443 OF THIS ARTICLE.8 (3) "LOCAL LAW ENFORCEMENT UNIT" MEANS THE LAW ENFORCEMENT
9 UNIT OF THE COUNTY IN WHICH A DEALER'S PLACE OF BUSINESS IS LOCATED.10 (C) (1) A DEALER SHALL MAKE A WRITTEN RECORD, ON A FORM PROVIDED
11 BY THE SECRETARY, OF EACH BUSINESS TRANSACTION THAT INVOLVES THE
12 DEALER'S ACQUISITION, BY PURCHASE OR TRADE-IN, OF A FIREARM WHEN THE
13 TRANSACTION IS MADE.14 (2) A DEALER SHALL MAKE A SEPARATE RECORD FOR EACH FIREARM
15 INVOLVED IN A TRANSACTION.16 (3) A DEALER SHALL TAG EACH FIREARM INDIVIDUALLY WITH A
17 NUMBER THAT CORRESPONDS TO THE TRANSACTION UNDER WHICH IT WAS
18 ACQUIRED.19 (D) IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THE
20 SECRETARY, THE RECORDS OF A DEALER SHALL INCLUDE:21 (1) THE DATE, PLACE, AND TIME OF EACH TRANSACTION THAT
22 INVOLVES THE ACQUISITION OF A FIREARM;23 (2) A DESCRIPTION OF THE FIREARM, INCLUDING ITS MANUFACTURER,
24 MODEL NUMBER, YEAR OF MANUFACTURE IF KNOWN, AND SERIAL NUMBER IF
25 KNOWN;26 (3) FOR EACH INDIVIDUAL FROM WHOM THE DEALER ACQUIRES A
27 FIREARM:28 (I) THE NAME, DATE OF BIRTH, AND DRIVER'S LICENSE NUMBER
29 OF THE INDIVIDUAL; OR

30 (II) IDENTIFICATION INFORMATION ABOUT THE INDIVIDUAL THAT:

31 1. POSITIVELY IDENTIFIES THE INDIVIDUAL FROM AT LEAST
32 TWO FORMS OF IDENTIFICATION, WHICH MAY INCLUDE AN AGE OF MAJORITY CARD,
33 MILITARY IDENTIFICATION, OR PASSPORT; AND

1 2. PROVIDES A PHYSICAL DESCRIPTION OF THE INDIVIDUAL,
2 INCLUDING THE SEX, RACE, DISTINGUISHING FEATURES, AND APPROXIMATE AGE,
3 HEIGHT, AND WEIGHT OF THE INDIVIDUAL;

4 (4) A STATEMENT INDICATING WHETHER OR NOT THE INDIVIDUAL
5 MAKING THE TRANSACTION IS PERSONALLY KNOWN TO THE DEALER; AND

6 (5) THE SIGNATURE OF THE INDIVIDUAL FROM WHOM THE FIREARM IS
7 ACQUIRED AND THE DEALER OR EMPLOYEE WHO ACCEPTED THE FIREARM.

8 (E) UNLESS OTHERWISE AUTHORIZED BY THE SECRETARY, A DEALER SHALL
9 KEEP THE RECORDS REQUIRED BY THIS SECTION AT A LOCATION WITHIN THE STATE
10 FOR AT LEAST 3 YEARS AFTER THE DATE OF THE TRANSACTION.

11 (F) A DEALER SHALL SUBMIT A COPY OF EACH RECORD TO THE LOCAL LAW
12 ENFORCEMENT UNIT BY DELIVERING OR MAILING A COPY OF THE RECORD BY THE
13 END OF THE FIRST BUSINESS DAY AFTER THE DAY ON WHICH THE FIREARM WAS
14 ACQUIRED.

15 (G) EACH COPY OF A RECORD SUBMITTED TO A LOCAL LAW ENFORCEMENT
16 UNIT UNDER THIS SECTION:

17 (1) SHALL INCLUDE:

18 (I) THE LICENSE NUMBER OF THE DEALER;

19 (II) THE LOCATION OF THE FIREARM LISTED IN THE RECORD; AND

20 (III) THE INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS
21 SECTION;

22 (2) SHALL BE KEPT CONFIDENTIAL;

23 (3) IS NOT A PUBLIC RECORD; AND

24 (4) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE
25 GOVERNMENT ARTICLE.

26 (H) A LAW ENFORCEMENT UNIT MAY DESTROY A COPY OF A RECORD
27 SUBMITTED UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE THE LAW
28 ENFORCEMENT UNIT RECEIVES THE COPY.

29 (I) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A DEALER WHO
30 ACQUIRES A FIREARM SHALL KEEP IT IN ONE OF THE FOLLOWING LOCATIONS FROM
31 THE TIME OF ACQUISITION UNTIL AT LEAST 18 DAYS AFTER SUBMITTING A COPY OF
32 THE RECORD OF ITS ACQUISITION UNDER SUBSECTION (F) OF THIS SECTION:

33 (I) THE DEALER'S PLACE OF BUSINESS AS SPECIFIED IN THE
34 DEALER'S APPLICATION FOR A REGULATED FIREARMS DEALER'S LICENSE; OR

1 (II) A STORAGE FACILITY SPECIFIED IN THE DEALER'S
2 APPLICATION FOR A REGULATED FIREARMS DEALER'S LICENSE.

3 (2) A DEALER WHO ACQUIRES A FIREARM AT AN EVENT WHICH TAKES
4 PLACE AT A LOCATION OTHER THAN THE DEALER'S FIXED BUSINESS ADDRESS
5 SHALL PLACE THE OBJECT AND A RECORD OF ITS ACQUISITION AT A LOCATION
6 SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION BY THE END OF THE FIRST
7 BUSINESS DAY AFTER ACQUIRING THE FIREARM.

8 (3) IF THE LOCAL LAW ENFORCEMENT UNIT PROVIDES WRITTEN
9 APPROVAL, A DEALER MAY MAINTAIN A FIREARM AND THE RECORD OF ITS
10 ACQUISITION AT A LOCATION OTHER THAN THE LOCATIONS SPECIFIED UNDER
11 PARAGRAPH (1) OF THIS SUBSECTION.

12 (J) (1) A DEALER MAY SUBMIT TO THE LOCAL LAW ENFORCEMENT UNIT A
13 WRITTEN REQUEST FOR A SHORTER HOLDING PERIOD FOR A FIREARM.

14 (2) WITHIN 48 HOURS AFTER THE LOCAL LAW ENFORCEMENT UNIT
15 RECEIVES A REQUEST, THE LOCAL LAW ENFORCEMENT UNIT SHALL APPROVE OR
16 DENY THE REQUEST.

17 (3) AFTER INSPECTING THE FIREARM, THE LOCAL LAW ENFORCEMENT
18 UNIT MAY AUTHORIZE IN WRITING A SHORTER HOLDING PERIOD.

19 (4) IF THE LOCAL LAW ENFORCEMENT UNIT DENIES THE REQUEST, THE
20 LOCAL LAW ENFORCEMENT UNIT SHALL STATE THE REASONS FOR THE DENIAL IN
21 WRITING.

22 (K) A DEALER MAY NOT ALTER A FIREARM BEFORE OR DURING THE HOLDING
23 PERIOD.

24 (L) (1) A DEALER SHALL ALLOW AN AUTHORIZED LAW ENFORCEMENT
25 OFFICER OR AGENT, ON REQUEST, TO ENTER THE DEALER'S PLACE OF BUSINESS OR
26 STORAGE FACILITY DURING BUSINESS HOURS TO INSPECT A FIREARM OR RECORD
27 REQUIRED TO BE MAINTAINED UNDER THIS SECTION AS PART OF A STOLEN
28 PROPERTY INVESTIGATION OR AN INVESTIGATION OF A VIOLATION OF THIS
29 SECTION.

30 (2) ON REQUEST OF THE DEALER, THE OFFICER OR AGENT SHALL MAKE
31 THE INSPECTION IN THE PRESENCE OF THE DEALER OR AN AGENT OF THE DEALER.

32 (3) IF THE DEALER REFUSES TO ALLOW ACCESS OR PRODUCE THE
33 FIREARM OR RECORD FOR INSPECTION, THE OFFICER OR AGENT SHALL SEEK A
34 SEARCH WARRANT.

35 (4) A COURT SHALL ISSUE A WARRANT AUTHORIZING AN INSPECTION
36 UNDER THIS SECTION IF THE OFFICER OR AGENT ESTABLISHES:

37 (I) PROBABLE CAUSE FOR THE SELECTION OF THE PLACE OF
38 BUSINESS OR STORAGE FACILITY IN QUESTION FOR INSPECTION; AND

1 (II) THAT THE INSPECTION WILL BE REASONABLY LIMITED IN
2 TIME, PLACE, AND SCOPE.

3 |||||6||

4 449.

5 (e) Except as otherwise provided in this section, any dealer or person who
6 knowingly participates in the illegal sale, rental, transfer, purchase, possession, or
7 receipt of a regulated firearm in violation of this subheading shall be guilty of a
8 misdemeanor and upon conviction shall be fined not more than \$10,000 or imprisoned
9 for not more than 5 years, or both. Each violation shall be considered a separate
10 offense.

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