

HOUSE BILL 279

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E4

2000 Regular Session
Olr0189
CF SB 211

By: **The Speaker (Administration) and Delegates Doory, Montague, Grosfeld, Valderrama, Hixson, Rawlings, Barve, Benson, Bobo, Branch, Bronrott, Franchot, Frush, Goldwater, Hecht, Hill, A. Jones, V. Jones, Kirk, Kopp, Mandel, Marriott, McIntosh, Nathan-Pulliam, Patterson, Pendergrass, Pitkin, Rosenberg, and Shriver**

Introduced and read first time: January 28, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Responsible Gun Safety Act of 2000**

3 FOR the purpose of clarifying the disposition of certain forfeited property; prohibiting
4 certain persons who have been adjudicated delinquent of certain offenses
5 involving firearms from obtaining a permit to carry a handgun, purchasing,
6 renting, or transferring a handgun, and possessing a handgun until a certain
7 age; prohibiting a dealer from selling or transferring certain firearms to certain
8 persons who have been adjudicated delinquent of certain offenses involving
9 firearms until a certain age; requiring certain firearms safety training courses;
10 defining certain terms; providing for a certain procedure for collecting certain
11 firearms identification information; requiring certain individuals to provide
12 certain firearms identification information to the State for certain testing;
13 prohibiting the sale of certain firearms under certain circumstances by a certain
14 date; establishing a certain commission; providing for the duties and reporting
15 requirements for the commission; providing for the sale of certain firearms sold
16 after a certain date; providing for certain exceptions; providing for certain
17 penalties; providing for the development of certain safety training standards by
18 a certain date; establishing the Firearms Violence Reduction Council within the
19 Department of State Police; providing for the membership, powers, and duties of
20 the Council; establishing the administration of a certain grant program; and
21 generally relating to firearms.

22 BY repealing and reenacting, with amendments,
23 Article 27 - Crimes and Punishments
24 Section 36C, 36E(a), 442(h), 445(b) and (d), 445B, and 449(e)
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 1999 Supplement)

27 BY adding to
28 Article 27 - Crimes and Punishments

1 Section 36C-1, 442B, and 442C
2 Annotated Code of Maryland
3 (1996 Replacement Volume and 1999 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article 41 - Governor - Executive and Administrative Departments
6 Section 4-201(d)(15) and (16)
7 Annotated Code of Maryland
8 (1997 Replacement Volume and 1999 Supplement)

9 BY adding to
10 Article 88B - Department of State Police
11 Section 81
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1999 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 36C.

18 (a) The following items of property shall be subject to seizure and forfeiture,
19 and, upon forfeiture, no property right shall exist in them:

20 (1) Any handgun being worn, carried, or transported in violation of §
21 36B, OR SOLD, RENTED, TRANSFERRED, OR POSSESSED IN VIOLATION OF § 442, § 442A,
22 OR § 445 of this article; and

23 (2) All ammunition or other parts of or appurtenances to any such
24 handgun worn, carried, or transported by such person or found in the immediate
25 vicinity of such handgun.

26 (b) (1) Any property subject to seizure under subsection (a) hereof may be
27 seized by any duly authorized law enforcement officer, as an incident to an arrest or
28 search and seizure.

29 (2) Any such officer seizing such property under this section shall either
30 place the property under seal or remove the same to a location designated either by
31 the Department of State Police or by the law enforcement agency having jurisdiction
32 in the locality.

33 (c) (1) Upon the seizure of a handgun pursuant to this section, the seizing
34 authority shall attempt to ascertain and locate its owner by whatever inquiry and
35 investigation is considered appropriate. If, as a result of an inquiry or investigation,
36 the name and address of the reputed owner of the handgun is ascertained and the
37 owner is a nonresident of Maryland, the seizing authority shall notify the appropriate

1 law enforcement agency of the jurisdiction of which the owner is a resident and
2 forward the handgun to that agency for disposition if the handgun is not needed for
3 investigation or evidence or disposed of under paragraph (4) of this subsection. If the
4 owner is a resident of the State the seizing authority may return the handgun to the
5 owner. If the seizing authority does not return the handgun, it shall promptly notify
6 the owner that he may apply within 30 days to the seizing authority for a review to
7 determine whether the owner knew or should have known that the handgun was
8 worn, carried, transported or used in violation of § 36B, and whether the owner is
9 qualified to possess it. Qualification for possession is the same as for sale or transfer
10 under § 442 of this article. Knowingly giving false information or making a material
11 misstatement in the application for review or an investigation pursuant thereto is
12 subject to the penalties set forth in § 449 of this article.

13 (2) Upon timely receipt of an application, the seizing authority shall hold
14 an informal review not subject to the Administrative Procedure Act on the matter of
15 whether the owner either knew or should have known of the use or intended use of
16 the handgun in violation of § 36B. If, after that review, the determination of the
17 seizing authority is favorable to the owner, the handgun shall be released to the
18 owner if he is qualified to possess it, unless the handgun is needed as evidence in a
19 criminal case or investigation, in which event the handgun shall be promptly
20 returned upon the final conclusion of the case or investigation.

21 (3) If the seizing authority determines after review that the handgun
22 should be forfeited to the State, the owner shall be so notified at his last known
23 address and within 30 days thereafter he may petition the appropriate District Court
24 for release of the handgun to him. The State's Attorney shall represent the State in
25 the action. The court shall hear the matter and grant whatever relief is proper and in
26 accordance with this subsection.

27 (4) In a proceeding in a criminal cause involving a seized handgun a
28 court may order forfeiture or release of the seized handgun in accordance with the
29 criteria for release set forth in this subsection. Persons who have made written claim
30 of ownership of a handgun to the seizing authority or the State's Attorney shall be
31 notified of the proceeding and of the claimant's right to present his claim at the
32 proceeding. A claimant who has completed the review procedure provided for by this
33 subsection does not have the right to a second review under this paragraph.

34 (5) If no timely application for a review under paragraph (2) of this
35 subsection or a petition to the court under paragraph (3) of this subsection is effected,
36 or order for release under paragraph (4) of this subsection is issued, the handgun
37 shall be forfeited to the State without further proceedings and destroyed by the
38 seizing authority or disposed of in accordance with subsection (d) of this section.

39 (6) If a reputed owner of a seized handgun is not ascertained and located
40 pursuant to inquiry or investigation conducted under paragraph (1) of this subsection,
41 the handgun is forfeited to the State without further proceedings.

42 (d) (1) Whenever property is forfeited under this section, the law
43 enforcement agency seeking forfeiture of the property may ONLY:

1 (i) Order the property retained for the official use of the law
2 enforcement agency; [or]

3 (ii) [Make such other disposition of the property as the law
4 enforcement agency deems appropriate] DESTROY THE FORFEITED PROPERTY; OR

5 (III) SELL, EXCHANGE, OR TRANSFER THE FORFEITED PROPERTY TO
6 ANOTHER LAW ENFORCEMENT AGENCY FOR OFFICIAL USE BY THAT AGENCY.

7 (2) Within 30 days of the disposition of the forfeited property, the law
8 enforcement agency shall notify the Secretary of the State Police of:

9 (i) The description of the property forfeited;

10 (ii) The type of disposition made; and

11 (iii) The identity of the person to whom the property was
12 transferred for disposal, retention, or [resale; and

13 (iv) If the person was a licensed firearms dealer, the firearms
14 dealer's license number and address] OFFICIAL USE.

15 36C-1.

16 A LAW ENFORCEMENT AGENCY SEEKING TO DISPOSE OF AN AGENCY OWNED
17 HANDGUN SHALL:

18 (1) DESTROY THE HANDGUN;

19 (2) SELL, EXCHANGE, OR TRANSFER THE HANDGUN TO ANOTHER LAW
20 ENFORCEMENT AGENCY FOR OFFICIAL USE BY THAT AGENCY;

21 (3) SELL THE HANDGUN TO A RETIRED STATE POLICE OFFICER IN
22 ACCORDANCE WITH ARTICLE 88B, § 24 OF THE CODE; OR

23 (4) SELL THE HANDGUN TO THE LAW ENFORCEMENT OFFICER TO
24 WHOM THE HANDGUN WAS ASSIGNED.

25 36E.

26 (a) A permit to carry a handgun shall be issued within a reasonable time by
27 the Secretary of the State Police, upon application under oath therefor, to any person
28 whom the Secretary finds:

29 (1) Is eighteen years of age or older; and

30 (2) Has not been convicted of a felony or of a misdemeanor for which a
31 sentence of imprisonment for more than one year has been imposed or, if convicted of
32 such a crime, has been pardoned or has been granted relief pursuant to Title 18, § 925
33 (c) of the United States Code; and

1 (3) [Has not been] IF THE PERSON IS LESS THAN 30 YEARS OF AGE AND
2 WHO HAS NOT BEEN:

3 (I) [committed] COMMITTED to any detention, training, or
4 correctional institution for juveniles for longer than one year after an adjudication of
5 delinquency by a juvenile court; [provided, however, that a person shall not be
6 disqualified by virtue of this paragraph (3) if, at the time of the application, more
7 than ten years has elapsed since his release from such institution; and] OR

8 (II) ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR:

9 1. A CRIME OF VIOLENCE;

10 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE;
11 OR

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

14 (4) Has not been convicted of any offense involving the possession, use,
15 or distribution of controlled dangerous substances; and is not presently an addict, an
16 habitual user of any controlled dangerous substance not under legitimate medical
17 direction, or an alcoholic; and

18 (5) Has, based on the results of investigation, not exhibited a propensity
19 for violence or instability which may reasonably render his possession of a handgun a
20 danger to himself or other law-abiding persons; and

21 (6) Has, based on the results of investigation, good and substantial
22 reason to wear, carry, or transport a handgun, provided however, that the phrase
23 "good and substantial reason" as used herein shall be deemed to include a finding
24 that such permit is necessary as a reasonable precaution against apprehended
25 danger.

26 442.

27 (h) The application to purchase, rent, or transfer shall contain the following
28 information:

29 (1) Applicant's name, address, driver's or photographic identification
30 soundex number, Social Security number, occupation, place and date of birth, height,
31 weight, race, eye and hair color and signature and regulated firearm information for
32 each firearm to be purchased, rented, or transferred. In the event the applicant is a
33 corporation, the application shall be completed and executed by a corporate officer
34 who is a resident of this State.

35 (2) A statement by the applicant under the penalty of perjury that he or
36 she:

37 (i) Has never been convicted of:

- 1 1. A crime of violence;
- 2 2. Any violation classified as a felony in this State;
- 3 3. Any violation classified as a misdemeanor in this State
4 that carries a statutory penalty of more than 2 years; or
- 5 4. Any violation classified as a common law offense where
6 the person received a term of imprisonment of more than 2 years.

7 (ii) Is not a fugitive from justice.

8 (iii) Is not a habitual drunkard.

9 (iv) Is not an addict or habitual user of any controlled dangerous
10 substances.

11 (v) Has never spent more than [thirty] 30 consecutive days in any
12 medical institution for treatment of a mental disorder or disorders, unless there is
13 attached to the application a physician's certificate, issued within [thirty] 30 days
14 prior to the date of application, certifying that the applicant is capable of possessing a
15 regulated firearm without undue danger to himself or herself, or to others.

16 (vi) Is at least 21 years of age.

17 (vii) Is not a respondent against whom a current non ex parte civil
18 protective order has been entered under § 4-506 of the Family Law Article.

19 (VIII) IS LESS THAN 30 YEARS OF AGE AT THE TIME OF APPLICATION
20 AND HAS NOT BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR:

21 1. A CRIME OF VIOLENCE;

22 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE;
23 OR

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

26 (IX) HAS COMPLETED A CERTIFIED FIREARMS SAFETY TRAINING
27 COURSE THAT MEETS STANDARDS ESTABLISHED BY THE MARYLAND POLICE
28 TRAINING COMMISSION AS PROVIDED IN ARTICLE 41, § 4-201(D) OF THE CODE.

29 (3) The date and hour the application was delivered in completed form to
30 the prospective seller or transferor by the prospective purchaser, lessee, or transferee.
31 445.

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

1 (1) Has been convicted of:

2 (i) A crime of violence;

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

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

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

9 (2) Is:

10 (i) A fugitive from justice;

11 (ii) A habitual drunkard;

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

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

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

21 (vi) Under 21 years of age;

22 (vii) A participant in a "straw purchase" as defined in § 441 of this
23 article; or

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

26 (3) IS LESS THAN 30 YEARS OF AGE AT THE TIME OF THE TRANSACTION
27 AND HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR
28 COMMITTING:

29 (I) A CRIME OF VIOLENCE;

30 (II) ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE; OR

31 (III) ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
32 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS.

1 (4) HAS NOT COMPLETED A CERTIFIED FIREARMS SAFETY TRAINING
2 COURSE THAT MEETS STANDARDS ESTABLISHED BY THE MARYLAND POLICE
3 TRAINING COMMISSION AS PROVIDED IN ARTICLE 41, § 4-201(D) OF THE CODE.

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

5 (1) Has been convicted of:

6 (i) A crime of violence;

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

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

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

12 (2) Is:

13 (i) A fugitive from justice;

14 (ii) A habitual drunkard;

15 (iii) Addicted to or a habitual user of any controlled dangerous
16 substances;

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

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

25 (3) IS LESS THAN 30 YEARS OF AGE AT THE TIME OF POSSESSION AND
26 HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR COMMITTING:

27 (I) A CRIME OF VIOLENCE;

28 (II) ANY VIOLATION CLASSIFIED AS A FELONY IN THIS STATE; OR

29 (III) ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THIS
30 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS.

31 442B.

32 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

1 (2) "MANUFACTURER" MEANS ANY PERSON WHO POSSESSES A VALID
2 FEDERAL LICENSE ISSUED BY THE SECRETARY OF THE TREASURY THAT PERMITS
3 THAT PERSON TO ENGAGE IN THE BUSINESS OF MANUFACTURING FIREARMS OR
4 AMMUNITION FOR THE PURPOSE OF SALE OR DISTRIBUTION.

5 (3) "PROJECTILE" MEANS THAT PART OF HANDGUN AMMUNITION THAT
6 IS, BY MEANS OF AN EXPLOSION, EXPELLED THROUGH THE BARREL OF THE
7 HANDGUN.

8 (4) "SHELL CASING" MEANS THAT PART OF HANDGUN AMMUNITION
9 THAT CONTAINS THE PRIMER AND PROPELLENT POWDER TO DISCHARGE THE
10 PROJECTILE.

11 (B) ANY MANUFACTURER THAT SHIPS OR TRANSPORTS A HANDGUN TO BE
12 SOLD, RENTED, OR TRANSFERRED IN THE STATE SHALL INCLUDE IN THE BOX WITH
13 THE HANDGUN IN A SEPARATE SEALED CONTAINER:

14 (1) A PROJECTILE DISCHARGED FROM THAT HANDGUN;

15 (2) A SHELL CASING OF A PROJECTILE DISCHARGED FROM THAT
16 HANDGUN; AND

17 (3) ANY ADDITIONAL INFORMATION THAT IDENTIFIES THE HANDGUN,
18 PROJECTILE, OR SHELL CASING AND IS REQUIRED BY THE SECRETARY TO MEET THE
19 PROVISIONS OF THIS SECTION.

20 (C) UPON RECEIPT OF A HANDGUN FROM THE MANUFACTURER, THE DEALER
21 SHALL CONFIRM TO THE DEPARTMENT OF STATE POLICE THAT THE
22 MANUFACTURER COMPLIED WITH THE PROVISIONS OF SUBSECTION (B).

23 (D) UPON THE SALE OR TRANSFER OF THE HANDGUN, THE DEALER SHALL
24 FORWARD THE SEALED CONTAINER TO THE DEPARTMENT OF STATE POLICE CRIME
25 LABORATORY.

26 (E) UPON RECEIPT OF THE PROJECTILE, SHELL CASING, AND REQUIRED
27 INFORMATION, THE DEPARTMENT OF STATE POLICE CRIME LABORATORY SHALL
28 ENTER THE INFORMATION IN ALL PERTINENT DATABASES.

29 (F) THE SECRETARY SHALL PROMULGATE REGULATIONS TO CARRY OUT THE
30 PROVISIONS OF THIS SECTION.

31 442C.

32 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

34 (2) "AUTHORIZED USER" MEANS THE OWNER AND ANY PERSON
35 AUTHORIZED BY THE OWNER TO POSSESS AND USE THE HANDGUN.

1 (3) "COMMISSION" MEANS THE COMMISSION ON PERSONALIZED
2 HANDGUN TECHNOLOGY.

3 (4) "HANDGUN" HAS THE MEANING STATED IN § 441(N) OF THIS
4 SUBHEADING BUT DOES NOT INCLUDE SIGNAL, STARTER, AND BLANK PISTOLS.

5 (5) "HANDGUN ROSTER BOARD" HAS THE MEANING STATED IN § 36J(A)
6 OF THIS ARTICLE.

7 (6) "INTEGRATED MECHANICAL SAFETY DEVICE" MEANS A DISABLING
8 OR LOCKING DEVICE THAT:

9 (I) IS BUILT INTO A HANDGUN; AND

10 (II) IS DESIGNED TO PREVENT THE HANDGUN FROM BEING
11 DISCHARGED UNLESS THE DEVICE HAS BEEN REMOVED OR DEACTIVATED.

12 (7) "PERSONALIZED HANDGUN" MEANS A HANDGUN MANUFACTURED
13 WITH INCORPORATED DESIGN TECHNOLOGY ALLOWING IT TO BE FIRED ONLY BY A
14 PERSON WHO IS THE AUTHORIZED USER OF THE HANDGUN AND THAT PREVENTS
15 ANY OF THE SAFETY CHARACTERISTICS FROM BEING READILY DEACTIVATED.

16 (B) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

17 (1) PURCHASES, SALES, AND TRANSPORT TO OR BY A LICENSED GUN
18 DEALER OR MANUFACTURER THAT PROVIDES OR SERVICES A HANDGUN FOR:

19 (I) PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY
20 AGENCY OR DEPARTMENT OF THE UNITED STATES;

21 (II) MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR
22 THE NATIONAL GUARD;

23 (III) LAW ENFORCEMENT PERSONNEL OF THE STATE OR ANY LOCAL
24 LAW ENFORCEMENT AGENCY IN THE STATE WHILE THAT PERSONNEL IS ACTING
25 WITHIN THE SCOPE OF THEIR OFFICIAL BUSINESS; AND

26 (IV) ORGANIZATIONS THAT ARE REQUIRED BY FEDERAL LAW OR
27 REGULATIONS GOVERNING THEIR SPECIFIC BUSINESS OR ACTIVITY TO MAINTAIN
28 HANDGUNS AND APPLICABLE AMMUNITION;

29 (2) ANY FIREARM MODIFIED TO RENDER IT PERMANENTLY
30 INOPERATIVE;

31 (3) SALES OR TRANSFERS BY ANY LICENSED GUN DEALER OR
32 MANUFACTURER COVERED UNDER PARAGRAPH (1) OF THIS SUBSECTION;

33 (4) SALES OR TRANSFERS TO A LICENSED GUN DEALER IN ANOTHER
34 STATE; OR

35 (5) ANTIQUE FIREARMS.

1 (C) BEGINNING ON JANUARY 1, 2002, A DEALER MAY NOT SELL, OFFER FOR
2 SALE, RENT, OR TRANSFER IN THE STATE ANY HANDGUN MANUFACTURED AFTER
3 DECEMBER 31, 2001 UNLESS THE HANDGUN HAS AN INTEGRATED MECHANICAL
4 SAFETY DEVICE OR OTHER INCORPORATED DESIGN TECHNOLOGY THAT IS
5 DESIGNED TO PREVENT CHILDREN AND OTHER UNAUTHORIZED USERS FROM
6 DISCHARGING THE HANDGUN.

7 (D) (1) THERE IS A COMMISSION ON PERSONALIZED HANDGUN
8 TECHNOLOGY.

9 (2) THE COMMISSION CONSISTS OF THE FOLLOWING 11 MEMBERS:

10 (I) THREE MEMBERS OF THE SENATE OF MARYLAND, APPOINTED
11 BY THE PRESIDENT OF THE SENATE, ONE OF WHOM SHALL SERVE AS COCHAIRMAN;

12 (II) THREE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED
13 BY THE SPEAKER OF THE HOUSE, ONE OF WHOM SHALL SERVE AS COCHAIRMAN;

14 (III) THE SECRETARY OF THE STATE POLICE;

15 (IV) TWO INDIVIDUALS WITH EXPERTISE IN THE FIELD OF
16 HANDGUNS AND HANDGUN DESIGN, APPOINTED BY THE GOVERNOR; AND

17 (V) TWO MEMBERS OF THE GENERAL PUBLIC, APPOINTED BY THE
18 GOVERNOR.

19 (3) (I) THE COMMISSION SHALL CONSIDER WHETHER PERSONALIZED
20 HANDGUNS ARE COMMERCIALY AVAILABLE AND SUBMIT A REPORT CONTAINING
21 THE COMMISSION'S RECOMMENDATION TO THE GOVERNOR AND, IN ACCORDANCE
22 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY,
23 ON OR BEFORE JULY 1, 2002.

24 (II) IN MAKING ITS RECOMMENDATION REGARDING THE
25 COMMERCIAL AVAILABILITY OF PERSONALIZED HANDGUNS, THE COMMISSION MAY
26 CONSIDER:

27 1. THE RELIABILITY OF THE TECHNOLOGY UTILIZED BY
28 PERSONALIZED HANDGUNS, AND OTHER FACTORS THAT ARE CONSIDERED BY THE
29 HANDGUN ROSTER BOARD AS PROVIDED IN § 36J OF THIS ARTICLE;

30 2. THE NUMBER AND VARIETY OF MODELS AND CALIBERS
31 OF PERSONALIZED HANDGUNS THAT ARE AVAILABLE FOR SALE;

32 3. ANY STUDIES, ANALYSES, OR OTHER EVALUATIONS OF
33 PERSONALIZED HANDGUNS CONDUCTED BY OR COMMISSIONED BY THE NATIONAL
34 INSTITUTE OF JUSTICE, ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT
35 LABORATORY, OR ANY OTHER ENTITY WITH AN EXPERTISE IN THE FIELD OF
36 HANDGUN TECHNOLOGY; AND

1 4. ANY OTHER INFORMATION THAT THE COMMISSION
2 CONSIDERS RELEVANT.

3 (4) IF THE COMMISSION'S REPORT RECOMMENDS THAT PERSONALIZED
4 HANDGUNS ARE COMMERCIALY AVAILABLE, AND THE GOVERNOR ACCEPTS THAT
5 RECOMMENDATION, THE GOVERNOR SHALL NOTIFY THE LEGISLATIVE POLICY
6 COMMITTEE IN WRITING BY JANUARY 1, 2003 THAT, BEGINNING ON JUNE 1, 2003,
7 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DEALER MAY NOT
8 SELL, OFFER FOR SALE, RENT, OR TRANSFER IN THE STATE A HANDGUN
9 MANUFACTURED AFTER MAY 31, 2003, UNLESS THE HANDGUN IS A PERSONALIZED
10 HANDGUN.

11 (5) (I) IF THE COMMISSION'S REPORT RECOMMENDS THAT
12 PERSONALIZED HANDGUNS ARE NOT COMMERCIALY AVAILABLE, AND THE
13 GOVERNOR ACCEPTS THAT RECOMMENDATION, THE COMMISSION SHALL ISSUE A
14 SUBSEQUENT REPORT ON JULY 1 AND DECEMBER 31 OF EACH SUBSEQUENT YEAR.

15 (II) IF THE COMMISSION'S SUBSEQUENT REPORT REQUIRED
16 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH CONTAINS A RECOMMENDATION BY
17 THE COMMISSION THAT PERSONALIZED HANDGUNS ARE COMMERCIALY
18 AVAILABLE, AND THE GOVERNOR ACCEPTS THAT RECOMMENDATION, THE
19 GOVERNOR SHALL NOTIFY THE LEGISLATIVE POLICY COMMITTEE IN WRITING BY
20 JANUARY 1 OF THE FOLLOWING YEAR THAT, BEGINNING ON JUNE 1 OF THAT YEAR,
21 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DEALER MAY NOT
22 SELL, OFFER FOR SALE, RENT, OR TRANSFER IN THE STATE A HANDGUN
23 MANUFACTURED AFTER MAY 31 OF THAT YEAR UNLESS THE HANDGUN IS A
24 PERSONALIZED HANDGUN.

25 445B.

26 Any regulated firearm sold, rented, transferred, possessed, received or
27 purchased in violation of this subheading may be seized by a law enforcement agency
28 as contraband and, after a finding of guilt, disposed of [according to the regulations of
29 the seizing law enforcement agency] IN ACCORDANCE WITH § 36C OF THIS ARTICLE.

30 449.

31 (e) A PERSON WHO WAS PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE
32 AS DEFINED IN § 441(E) OF THIS ARTICLE OR CONVICTED OF A VIOLATION OF § 286 OR
33 § 286A OF THIS ARTICLE, AND WHO IS IN ILLEGAL POSSESSION OF A FIREARM AS
34 DEFINED IN § 445(D)(1)(I) AND (II) OF THIS ARTICLE, IS GUILTY OF A FELONY AND
35 UPON CONVICTION SHALL BE IMPRISONED FOR NOT LESS THAN 5 YEARS, NO PART
36 OF WHICH MAY BE SUSPENDED AND THE PERSON MAY NOT BE ELIGIBLE FOR
37 PAROLE. EACH VIOLATION SHALL BE CONSIDERED A SEPARATE OFFENSE.

38 (F) Except as otherwise provided in this section, any dealer or person who
39 knowingly participates in the illegal sale, rental, transfer, purchase, possession, or
40 receipt of a regulated firearm in violation of this subheading shall be guilty of a
41 misdemeanor and upon conviction shall be fined not more than \$10,000 or imprisoned

1 for not more than 5 years, or both. Each violation shall be considered a separate
2 offense.

3 **Article 41 - Governor - Executive and Administrative Departments**

4 4-201.

5 (d) Subject to the authority of the Secretary of Public Safety and Correctional
6 Services, the Commission is vested with the following authority, responsibility and
7 duty:

8 (15) To adopt regulations to establish and enforce standards for prior
9 substance abuse by persons applying for certification as a police officer; [and]

10 (16) TO DEVELOP STANDARDS AND ADOPT REGULATIONS BY JANUARY 1,
11 2001 FOR A CERTIFIED FIREARMS SAFETY TRAINING COURSE FOR ALL HANDGUN
12 PURCHASERS ON OR AFTER JANUARY 1, 2002, AND, IN ADOPTING THESE
13 REGULATIONS, TO CONSIDER ANY EXISTING PRIVATE AND PUBLIC FIREARMS
14 SAFETY TRAINING COURSES INCLUDING, BUT NOT LIMITED TO, ACQUIRING THE
15 INPUT OF THE HANDGUN INDUSTRY AND VARIOUS HANDGUN ORGANIZATIONS; AND

16 (17) To perform such other acts as may be necessary or appropriate to
17 carry out its functions and duties as set forth in this section.

18 **Article 88B - Department of State Police**

19 81.

20 (A) (1) THERE IS A CEASE FIRE COUNCIL WITHIN THE DEPARTMENT OF
21 STATE POLICE.

22 (2) (I) THE COUNCIL SHALL CONSIST OF THE FOLLOWING 11
23 MEMBERS APPOINTED BY THE GOVERNOR:

24 1. THE SECRETARY OF THE DEPARTMENT OF JUVENILE
25 JUSTICE, OR THE SECRETARY'S DESIGNEE;

26 2. THE SECRETARY OF THE STATE POLICE, OR THE
27 SECRETARY'S DESIGNEE;

28 3. THE SECRETARY OF THE DEPARTMENT OF PUBLIC
29 SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

30 4. THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE
31 OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

32 5. TWO STATE'S ATTORNEYS WHO ARE RECOMMENDED BY
33 THE PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION, APPOINTED
34 BY THE GOVERNOR;

1 6. ONE SHERIFF;

2 7. ONE REPRESENTATIVE OF THE MARYLAND CHIEFS OF
3 POLICE ASSOCIATION, APPOINTED BY THE GOVERNOR;

4 8. ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL
5 POLICE EXECUTIVES ASSOCIATION, APPOINTED BY THE GOVERNOR;

6 9. TWO REPRESENTATIVES OF THE GENERAL PUBLIC,
7 APPOINTED BY THE GOVERNOR.

8 (II) THE SECRETARY OF THE MARYLAND STATE POLICE, OR THE
9 SECRETARY'S DESIGNEE, SHALL SERVE AS CHAIRMAN OF THE COUNCIL.

10 (III) THE COUNCIL MEMBERS SHALL SERVE AT THE PLEASURE OF
11 THE GOVERNOR FOR THREE YEAR TERMS. EACH TERM SHALL BE STAGGERED, AND
12 AT THE END OF EACH COUNCIL MEMBER'S TERM, THE MEMBER SHALL CONTINUE TO
13 SERVE UNTIL A SUCCESSOR IS APPOINTED.

14 (IV) MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT SHALL
15 BE REIMBURSED FOR EXPENSES BY THE DEPARTMENT IN ACCORDANCE WITH THE
16 STANDARD STATE TRAVEL REGULATIONS.

17 (3) THE COUNCIL IS ESTABLISHED TO ADMINISTER A STATE GRANT
18 PROGRAM TO SUPPORT INNOVATIVE AND COLLABORATIVE FIREARMS VIOLENCE
19 REDUCTION INITIATIVES.

20 (4) THE COUNCIL SHALL:

21 (I) AWARD GRANTS IN ACCORDANCE WITH SUBSECTION (B) OF
22 THIS SECTION;

23 (II) ESTABLISH OR ASSIST IN THE ESTABLISHMENT OF PROGRAMS
24 DESIGNED TO REDUCE THE INCIDENCE OF FIREARMS VIOLENCE RELATED CRIME,
25 AND ENCOURAGE PARTICIPATION IN EXISTING PROGRAMS WITH THESE
26 OBJECTIVES;

27 (III) IDENTIFY SPECIFIC GOALS, OBJECTIVES, AND
28 METHODOLOGIES TO BE USED IN SUPPORT OF PROGRAMS ELIGIBLE FOR FUNDING
29 UNDER THIS SECTION;

30 (IV) IDENTIFY PRIORITIES FOR FIREARMS VIOLENCE RELATED
31 CRIME PREVENTION STRATEGIES IN THE STATE; AND

32 (V) DEVELOP CRITERIA FOR THE EVALUATION OF THE OUTCOMES
33 OF PROGRAMS THAT RECEIVE FUNDS.

34 (5) (I) STAFF SUPPORT FOR THE COUNCIL SHALL BE PROVIDED BY
35 THE DEPARTMENT OF STATE POLICE.

1 (II) THE ASSISTANT ATTORNEY GENERAL ASSIGNED TO THE
2 DEPARTMENT SHALL SERVE AS THE LEGAL ADVISOR TO THE COUNCIL.

3 (B) (1) THERE IS A CEASE FIRE COUNCIL GRANT PROGRAM.

4 (2) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE
5 BUDGET.

6 (3) GRANTS APPROVED BY THE COUNCIL SHALL BE USED TO CARRY OUT
7 THE PURPOSES AND OBJECTIVES OF THIS SECTION.

8 (4) THE COUNCIL SHALL CONSIDER AND GIVE PRIORITY TO THE
9 FOLLOWING WHEN MAKING PROGRAM AWARDS:

10 (I) COMPREHENSIVE AND COORDINATED LAW ENFORCEMENT
11 AND PROSECUTION PROGRAMS WHICH TARGET CRIMINALS AND JUVENILES WHO
12 USE OR ILLEGALLY POSSESS FIREARMS;

13 (II) LAW ENFORCEMENT AND PROSECUTION SALARIES AND
14 OVERTIME IN SUPPORT OF FIREARM VIOLENCE REDUCTION PROGRAMS;

15 (III) COVERT FIREARMS-RELATED INVESTIGATIONS AND
16 DEBRIEFING OF CRIMINAL AND JUVENILE ARRESTEES AND OFFENDERS FOR
17 INFORMATION RELATED TO ILLEGAL FIREARMS TRAFFICKING;

18 (IV) INITIATIVES THAT SUPPORT THE TRACING OF FIREARMS USED
19 TO COMMIT CRIMES OR DELINQUENT ACTS AND THE IDENTIFICATION OF ILLEGAL
20 FIREARMS TRAFFICKERS;

21 (V) PURCHASES OF TECHNOLOGY AND INFORMATION SYSTEMS TO
22 SUPPORT FIREARM VIOLENCE REDUCTION INITIATIVES; AND

23 (VI) OTHER EFFORTS THAT AID IN THE APPREHENSION AND
24 PROSECUTION OF CRIMINALS AND JUVENILES WHO USE OR ILLEGALLY POSSESS
25 FIREARMS.

26 (5) EXPENDITURES FROM THE PROGRAM MAY ONLY BE MADE
27 PURSUANT TO AN APPROPRIATION IN THE ANNUAL STATE BUDGET OR BY BUDGET
28 AMENDMENT.

29 (6) THE COUNCIL SHALL PROMULGATE REGULATIONS REGARDING THE
30 GRANT PROCESS AND THE OVERSIGHT OF GRANTS AWARDED BY THE COUNCIL.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2000.