Unofficial Copy E4 2000 Regular Session 0lr0427

By: Delegates Bobo, Rawlings, Barve, Benson, Billings, Bronrott, Brown, Frush, Grosfeld, Hecht, Heller, A. Jones, V. Jones, Kagan, Kopp, Mandel,

McIntosh, Menes, Nathan-Pulliam, Paige, Petzold, Pitkin, Phillips, Riley, Rosso, Shriver, Turner, Valderrama, Moe, Marriott, and Hurson

Introduced and read first time: February 3, 2000

Assigned to: Judiciary

A BILL ENTITLED

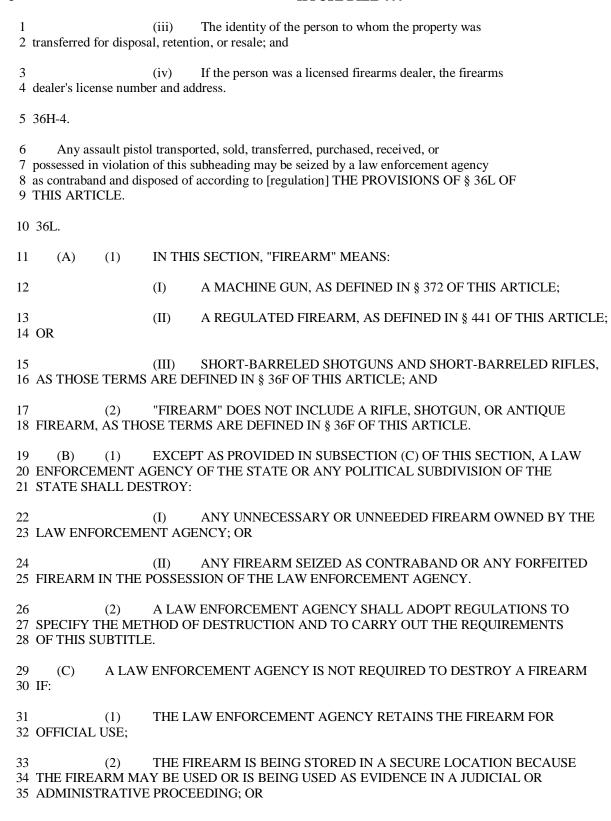
I	AN	ACT	concerning
---	----	-----	------------

2	Firearms - Disposal	Requirements for l	Law Enforcement Agencies
---	---------------------	--------------------	--------------------------

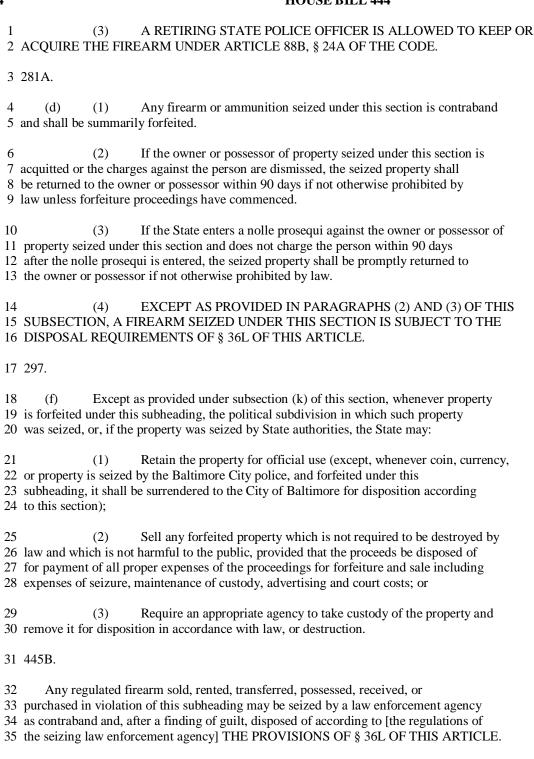
- 3 FOR the purpose of requiring a State or local law enforcement agency to destroy
- 4 certain unnecessary, unneeded, or forfeited firearms; providing for certain
- 5 exceptions to the destruction requirement; requiring a law enforcement agency
- 6 to adopt regulations to specify the method of destruction; defining certain terms;
- and generally relating to the destruction of firearms by law enforcement
- 8 agencies.
- 9 BY repealing and reenacting, with amendments,
- 10 Article 27 Crimes and Punishments
- 11 Section 36C(d), 36H-4, 281A(d), and 445B
- 12 Annotated Code of Maryland
- 13 (1996 Replacement Volume and 1999 Supplement)
- 14 BY repealing and reenacting, without amendments,
- 15 Article 27 Crimes and Punishments
- 16 Section 297(f)
- 17 Annotated Code of Maryland
- 18 (1996 Replacement Volume and 1999 Supplement)
- 19 BY adding to
- 20 Article 27 Crimes and Punishments
- 21 Section 36L
- 22 Annotated Code of Maryland
- 23 (1996 Replacement Volume and 1999 Supplement)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Natural Resources
- 26 Section 10-1106

1 2	Annotated Code of Maryland (1990 Replacement Volume and 1999 Supplement)					
3	Preamble					
4 5	WHEREAS, Many of our citizens believe that crime in our communities is the number one problem facing Maryland; and					
6 7	WHEREAS, Crime in our communities is enabled by the ready availability of firearms to criminal elements; and					
	WHEREAS, It has recently been documented that certain firearms used in violent crimes against our citizens have been at one time owned by law enforcement agencies; and					
	WHEREAS, Certain handgun manufacturers seek out older models from law enforcement agencies so that they may be retrofitted to provide much greater firepower than federal law allows new weapons; and					
16	WHEREAS, While it is good public policy to equip Maryland's law enforcement officers with superior weapons, it is equally poor public policy to allow firearms no longer needed by these law enforcement agencies to be added to the pool of high-power firearms landing in the hands of the criminal element; now, therefore,					
18 19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					
20	Article 27 - Crimes and Punishments					
21	36C.					
22 23	(d) (1) Whenever property is forfeited under this section, the law enforcement agency seeking forfeiture of the property may:					
24 25	(i) Order the property retained for the official use of the law enforcement agency; [or]					
26 27	(ii) DESTROY THE PROPERTY, AS REQUIRED BY § 36L OF THIS ARTICLE; OR					
28 29	(III) [Make] IF THE PROPERTY IS AN ANTIQUE FIREARM MAKE such other disposition of the property as the law enforcement agency deems appropriate.					
30 31	(2) Within 30 days of the disposition of the forfeited property, the law enforcement agency shall notify the Secretary of the State Police of:					
32	(i) The description of the property forfeited;					
33	(ii) The type of disposition made;					

HOUSE BILL 444



HOUSE BILL 444



1

Article - Natural Resources

- 2 10-1106.
- 3 (a) A Natural Resources police officer or any law enforcement officer, upon
- 4 arresting any person for violating any provision of this title or any regulation adopted
- 5 pursuant to this title, may seize any device, equipment, conveyance, or property
- 6 unlawfully used. If the owner or person in charge of the seized device, equipment,
- 7 conveyance, or property is convicted, the court may declare the device, equipment,
- 8 conveyance, or property forfeited, in addition to any other penalty provided in this
- 9 title. Any forfeiture becomes the property of the Department for disposition at the
- 10 Department's discretion. If the owner is not known, the court may proceed ex parte to
- 11 hear and determine any question of forfeiture. If the owner or person charged with
- 12 the violation is not convicted, the device, equipment, conveyance, or property seized
- 13 shall be released and returned to the owner or person.
- 14 (b) The device, conveyance, or property may not be forfeited if the owner was
- 15 not a consenting party or privy to a violation.
- 16 (C) A FIREARM THAT IS FORFEITED UNDER THIS SECTION IS SUBJECT TO THE
- 17 DISPOSAL REQUIREMENTS OF ARTICLE 27, § 36L OF THE CODE.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 19 October 1, 2000.