
By: **Senators Van Hollen and Frosh**
Introduced and read first time: January 18, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Gun Accountability Act of 2002**

3 FOR the purpose of requiring a valid Maryland driver's license or photographic
4 identification card with an approved firearms purchase designation for the
5 purchase or receipt of a regulated firearm; establishing requirements and
6 procedures for the issuance and renewal of a firearms purchase approval
7 designation; authorizing the Secretary of the State Police to revoke a firearms
8 purchase approval designation under certain circumstances; requiring that a
9 hearing be granted to certain aggrieved persons under certain circumstances;
10 and generally relating to the purchase of firearms.

11 BY adding to
12 Article 27 - Crimes and Punishments
13 Section 442D
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2001 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 442D.

20 (A) A REGULATED FIREARMS DEALER OR PERSON MAY ONLY SELL OR
21 TRANSFER A REGULATED FIREARM TO ANOTHER PERSON IF THE PURCHASER OR
22 TRANSFEREE PRESENTS TO THE SELLER OR TRANSFEROR A VALID MARYLAND
23 DRIVER'S LICENSE WITH AN APPROVED FIREARMS PURCHASE DESIGNATION OR
24 PHOTOGRAPHIC IDENTIFICATION CARD WITH AN APPROVED FIREARMS PURCHASE
25 DESIGNATION ISSUED TO THE PURCHASER OR TRANSFEREE BY THE MOTOR VEHICLE
26 ADMINISTRATION IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

27 (B) A PERSON MAY ONLY PURCHASE OR RECEIVE A REGULATED FIREARM IF
28 THE PERSON:

1 (1) POSSESSES A VALID MARYLAND DRIVER'S LICENSE OR
2 PHOTOGRAPHIC IDENTIFICATION CARD WITH AN APPROVED FIREARMS PURCHASE
3 DESIGNATION ISSUED TO THE PERSON BY THE MOTOR VEHICLE ADMINISTRATION;
4 AND

5 (2) COMPLIES WITH THE REQUIREMENTS OF AND IS NOT PROHIBITED
6 FROM PURCHASING OR POSSESSING A REGULATED FIREARM UNDER THIS
7 SUBHEADING.

8 (C) THE MOTOR VEHICLE ADMINISTRATION SHALL ISSUE A DRIVER'S LICENSE
9 WITH AN APPROVED FIREARMS PURCHASE DESIGNATION OR PHOTOGRAPHIC
10 IDENTIFICATION CARD WITH AN APPROVED FIREARMS PURCHASE DESIGNATION ON
11 CERTIFICATION BY THE SECRETARY THAT THE APPLICANT:

12 (1) IS AT LEAST 21 YEARS OLD;

13 (2) IS A RESIDENT OF THE STATE;

14 (3) HAS DEMONSTRATED SATISFACTORY COMPLETION OF A FIREARMS
15 SAFETY TRAINING COURSE APPROVED BY THE SECRETARY; AND

16 (4) BASED ON A CRIMINAL HISTORY RECORDS CHECK:

17 (I) IS NOT PROHIBITED BY FEDERAL OR STATE LAW FROM
18 PURCHASING OR POSSESSING A REGULATED FIREARM; AND

19 (II) HAS NOT EXHIBITED A PROPENSITY FOR VIOLENCE OR
20 INSTABILITY THAT MAY REASONABLY RENDER THE APPLICANT'S POSSESSION OF A
21 REGULATED FIREARM AS A DANGER TO THE APPLICANT OR TO OTHERS.

22 (D) IN ORDER TO OBTAIN A FIREARMS PURCHASE APPROVAL DESIGNATION
23 ON THE APPLICANT'S MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC
24 IDENTIFICATION CARD, AN APPLICANT MUST SUBMIT THE FOLLOWING TO THE
25 SECRETARY:

26 (1) A COMPLETED APPLICATION ON A FORM PROVIDED BY THE
27 SECRETARY;

28 (2) A NONREFUNDABLE FEE SET BY THE SECRETARY AT AN AMOUNT
29 SUFFICIENT TO COVER THE COST OF PROCESSING THE APPLICATION, THE
30 PROCEEDS OF WHICH SHALL BE CREDITED TO A SPECIAL FUND FOR THE ACCOUNT
31 OF THE STATE POLICE;

32 (3) PROOF OF SATISFACTORY COMPLETION OF A FIREARMS SAFETY
33 TRAINING COURSE APPROVED BY THE SECRETARY;

34 (4) A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS TO
35 BE TAKEN BY A DESIGNATED LAW ENFORCEMENT AGENCY;

1 (5) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION
2 REQUIRED BY THE SECRETARY; AND

3 (6) A STATEMENT MADE BY THE APPLICANT UNDER THE PENALTY OF
4 PERJURY THAT THE APPLICANT IS NOT PROHIBITED UNDER FEDERAL OR STATE LAW
5 FROM POSSESSING A REGULATED FIREARM.

6 (E) WITHIN 21 DAYS AFTER RECEIVING A PROPERLY COMPLETED
7 APPLICATION, THE SECRETARY SHALL:

8 (1) ISSUE TO THE MOTOR VEHICLE ADMINISTRATION A CERTIFICATION
9 FOR A FIREARMS PURCHASE APPROVAL DESIGNATION FOR THE APPLICANT; OR

10 (2) ISSUE TO THE APPLICANT A WRITTEN DENIAL OF THE APPLICATION
11 THAT CONTAINS A STATEMENT OF THE APPLICANT'S APPEAL RIGHTS UNDER
12 SUBSECTION (H) OF THIS SECTION.

13 (F) (1) A FIREARMS PURCHASE APPROVAL DESIGNATION ISSUED UNDER
14 THIS SECTION SHALL EXPIRE ON THE DATE THE MARYLAND DRIVER'S LICENSE OR
15 PHOTOGRAPHIC IDENTIFICATION CARD EXPIRES.

16 (2) THE FIREARMS PURCHASE APPROVAL DESIGNATION MAY BE
17 RENEWED EACH TIME THE MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC
18 IDENTIFICATION CARD IS RENEWED ON APPLICATION AND PAYMENT OF A RENEWAL
19 FEE SET BY THE SECRETARY AT AN AMOUNT SUFFICIENT TO COVER THE COSTS OF
20 PROCESSING THE RENEWAL APPLICATION, THE PROCEEDS OF WHICH SHALL BE
21 CREDITED TO A SPECIAL FUND FOR THE ACCOUNT OF THE STATE POLICE.

22 (3) THE SECRETARY SHALL RENEW THE FIREARMS PURCHASE
23 APPROVAL DESIGNATION IF, BASED ON A CRIMINAL HISTORY RECORDS CHECK, THE
24 SECRETARY DETERMINES THAT AT THE TIME OF THE APPLICATION THE APPLICANT
25 MEETS THE REQUIREMENTS OF PARAGRAPHS (1), (2), AND (4)(I) AND (II) OF
26 SUBSECTION (C) OF THIS SECTION.

27 (4) THE SECRETARY MAY NOT REQUIRE, AS A CONDITION OF RENEWAL,
28 THE APPLICANT TO RETAKE THE FIREARMS SAFETY TRAINING COURSE DESCRIBED
29 IN SUBSECTION (C)(3) OF THIS SECTION OR RESUBMIT A SET OF FINGERPRINTS.

30 (G) (1) THE SECRETARY MAY REVOKE THE FIREARMS PURCHASE APPROVAL
31 DESIGNATION ISSUED OR RENEWED UNDER THIS SECTION ON A FINDING THAT THE
32 LICENSEE NO LONGER SATISFIES THE QUALIFICATIONS SET FORTH IN SUBSECTION
33 (C) OF THIS SECTION.

34 (2) A PERSON HOLDING A FIREARMS PURCHASE APPROVAL
35 DESIGNATION THAT HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE
36 MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC IDENTIFICATION CARD TO THE
37 SECRETARY WITHIN 45 DAYS AFTER THE RECEIPT OF THE NOTICE OF THE
38 REVOCATION.

1 (H) (1) A PERSON WHOSE APPLICATION FOR A FIREARMS PURCHASE
2 APPROVAL DESIGNATION OR RENEWAL OF A FIREARMS PURCHASE APPROVAL
3 DESIGNATION IS DISAPPROVED OR WHOSE FIREARMS PURCHASE APPROVAL
4 DESIGNATION HAS BEEN REVOKED MAY SUBMIT A WRITTEN REQUEST TO THE
5 SECRETARY FOR A HEARING WITHIN 30 DAYS AFTER THE DATE THE WRITTEN
6 NOTICE OF THE DENIAL OR REVOCATION WAS FORWARDED TO THE AGGRIEVED
7 PERSON.

8 (2) A HEARING SHALL BE GRANTED BY THE SECRETARY WITHIN 15 DAYS
9 AFTER THE REQUEST.

10 (3) THE HEARING AND ANY SUBSEQUENT PROCEEDINGS OF JUDICIAL
11 REVIEW SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE
12 STATE GOVERNMENT ARTICLE.

13 (4) THE HEARING SHALL BE HELD IN THE COUNTY OF THE LEGAL
14 RESIDENCE OF THE AGGRIEVED PERSON.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2002.