

SENATE BILL 224

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E4

2002 Regular Session
2r1316
CF 2r1336

By: **Senators Frosh and Van Hollen and Senators Conway, Currie, Exum,
Forehand, Hoffman, Kelley, Lawlah, McFadden, Mitchell, Pinsky,
Ruben, and Teitelbaum**

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.

1 (B) A PERSON MAY ONLY PURCHASE OR RECEIVE A REGULATED FIREARM IF
2 THE PERSON:

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

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

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

14 (1) IS AT LEAST 21 YEARS OLD;

15 (2) IS A RESIDENT OF THE STATE;

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

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

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

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

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

28 (1) A COMPLETED APPLICATION ON A FORM PROVIDED BY THE
29 SECRETARY;

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

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

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

3 (5) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION
4 REQUIRED BY THE SECRETARY; AND

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

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

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

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

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

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

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

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

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

36 (2) A PERSON HOLDING A FIREARMS PURCHASE APPROVAL
37 DESIGNATION THAT HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE
38 MARYLAND DRIVER'S LICENSE OR PHOTOGRAPHIC IDENTIFICATION CARD TO THE

1 SECRETARY WITHIN 45 DAYS AFTER THE RECEIPT OF THE NOTICE OF THE
2 REVOCATION.

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

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

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

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

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