
By: **Delegates Quinter, Anderson, Barve, Bobo, Bronrott, Brown, Cardin,
Carter, Cryor, Dumais, Feldman, Franchot, Frush, Gutierrez, Jones,
Kelley, Lee, Madaleno, Menes, Pendergrass, Petzold, Ross, Simmons,
Taylor, F. Turner, and Zirkin**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Assault Weapons - Ban**

3 FOR the purpose of making it a misdemeanor with certain exceptions to transport,
4 possess, sell, offer to sell, transfer, purchase, or receive an assault weapon;
5 specifying that certain prohibitions and requirements do not apply to certain
6 persons; providing that certain persons may continue to possess, sell, offer for
7 sale, or transfer certain assault weapons under certain circumstances; requiring
8 the Handgun Roster Board to compile, maintain, and publish a roster of
9 prohibited assault weapons under certain circumstances; authorizing a law
10 enforcement agency to seize as contraband and dispose of an assault weapon
11 under certain circumstances; authorizing a procedure by which a person may
12 petition the Board to remove a firearm from the roster of prohibited assault
13 weapons; requiring the Board to hold a hearing under certain circumstances;
14 specifying that the Board need not test or pay for the testing of a firearm;
15 providing certain penalties; defining certain terms; altering the definitions of
16 certain terms; providing for the termination of certain sections of this Act;
17 providing for the effective date of this Act; and generally relating to assault
18 weapons.

19 BY repealing and reenacting, with amendments,
20 Article 27 - Crimes and Punishments
21 Section 441
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 2002 Supplement)

24 BY adding to
25 Article 27 - Crimes and Punishments
26 Section 447B, 447C, 447D, 447E, 447F, and 447G
27 Annotated Code of Maryland
28 (1996 Replacement Volume and 2002 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Public Safety
3 Section 5-101(a)
4 Annotated Code of Maryland
5 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)

6 BY repealing and reenacting, with amendments,
7 Article - Public Safety
8 Section 5-101(p)
9 Annotated Code of Maryland
10 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)

11 BY adding to
12 Article - Public Safety
13 Section 5-4A-01 through 5-4A-07, inclusive, to be under the new subtitle
14 "Subtitle 4A. Assault Weapons"
15 Annotated Code of Maryland
16 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)

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

19 **Article 27 - Crimes and Punishments**

20 441.

21 (a) In this subheading the following words have the meanings indicated.

22 (b) "Alcohol offense" means an offense under § 21-902(a), (b), or (c) of the
23 Transportation Article.

24 (c) "Antique firearm" means:

25 (1) Any firearm (including any firearm with a matchlock, flintlock,
26 percussion cap, or similar type of ignition system) manufactured prior to 1899; or

27 (2) Any replica of any firearm described in paragraph (1) of this
28 subsection if the replica:

29 (i) Is not designed or redesigned for using rimfire or conventional
30 centerfire fixed ammunition; or

31 (ii) Uses rimfire or conventional centerfire fixed ammunition which
32 is no longer manufactured in the United States and which is not readily available in
33 the ordinary channels of commercial trade.

1 (d) (1) "AMMUNITION FEEDING DEVICE" INCLUDES ANY BELTED OR LINKED
2 AMMUNITION.

3 (2) "AMMUNITION FEEDING DEVICE" DOES NOT INCLUDE CLIPS, EN
4 BLOC CLIPS, OR STRIPPER CLIPS THAT LOAD CARTRIDGES INTO THE MAGAZINE.

5 [(d)] (E) "Assault weapon" means:

6 (1) [any] ANY of the following specific firearms or their copies
7 regardless of which company produced and manufactured that firearm:

8 [(1)] (I) American Arms Spectre da Semiautomatic carbine;

9 [(2)] (II) AK-47 in all forms;

10 [(3)] (III) Algimec AGM-1 type semi-auto;

11 [(4)] (IV) AR 100 type semi-auto;

12 [(5)] (V) AR 180 type semi-auto;

13 [(6)] (VI) Argentine L.S.R. semi-auto;

14 [(7)] (VII) Australian Automatic Arms SAR type semi-auto;

15 [(8)] (VIII) Auto-Ordnance Thompson M1 and 1927 semi-automatics;

16 [(9)] (IX) Barrett light .50 cal. semi-auto;

17 [(10)] (X) Beretta AR70 type semi-auto;

18 [(11)] (XI) Bushmaster semi-auto rifle;

19 [(12)] (XII) Calico models M-100 and M-900;

20 [(13)] (XIII) CIS SR 88 type semi-auto;

21 [(14)] (XIV) Claridge HI TEC C-9 carbines;

22 [(15)] (XV) Colt AR-15, CAR-15, and all imitations except Colt AR-15
23 Sporter H-BAR rifle;

24 [(16)] (XVI) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;

25 [(17)] (XVII) Dragunov Chinese made semi-auto;

26 [(18)] (XVIII) Famas semi-auto (.223 caliber);

27 [(19)] (XIX) Feather AT-9 semi-auto;

28 [(20)] (XX) FN LAR and FN FAL assault rifle;

- 1 [(21)] (XXI) FNC semi-auto type carbine;
- 2 [(22)] (XXII) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 3 [(23)] (XXIII) Steyr-AUG-SA semi-auto;
- 4 [(24)] (XXIV) Galil models AR and ARM semi-auto;
- 5 [(25)] (XXV) Heckler and KOCH HK-91 A3, HK-93 A2, HK-94 A2 and
6 A3;
- 7 [(26)] (XXVI) Holmes model 88 shotgun;
- 8 [(27)] (XXVII) Avtomat Kalashnikov semiautomatic rifle in any format;
- 9 [(28)] (XXVIII) Manchester Arms "Commando" MK-45, MK-9;
- 10 [(29)] (XXIX) Mandell TAC-1 semi-auto carbine;
- 11 [(30)] (XXX) Mossberg model 500 Bullpup assault shotgun;
- 12 [(31)] (XXXI) Sterling Mark 6;
- 13 [(32)] (XXXII) P.A.W.S. carbine;
- 14 [(33)] (XXXIII) Ruger mini-14 folding stock model (.223 caliber);
- 15 [(34)] (XXXIV) SIG 550/551 assault rifle (.223 caliber);
- 16 [(35)] (XXXV) SKS with detachable magazine;
- 17 [(36)] (XXXVI) AP-74 Commando type semi-auto;
- 18 [(37)] (XXXVII) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21
19 sniper rifle, M1A, excluding the M1 Garand;
- 20 [(38)] (XXXVIII) Street sweeper assault type shotgun;
- 21 [(39)] (XXXIX) Striker 12 assault shotgun in all formats;
- 22 [(40)] (XL) Unique F11 semi-auto type;
- 23 [(41)] (XLI) Daewoo USAS 12 semi-auto shotgun;
- 24 [(42)] (XLII) UZI 9mm carbine or rifle;
- 25 [(43)] (XLIII) Valmet M-76 and M-78 semi-auto;
- 26 [(44)] (XLIV) Weaver Arms "Nighthawk" semi-auto carbine; or
- 27 [(45)] (XLV) Wilkinson Arms 9mm semi-auto "Terry";

1 (2) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT CAN ACCEPT A
2 DETACHABLE MAGAZINE AND ANY OF THE FOLLOWING:

3 (I) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH
4 THE ACTION OF THE WEAPON;

5 (II) A THUMBHOLE STOCK;

6 (III) A FOLDING OR TELESCOPING STOCK;

7 (IV) A GRENADE LAUNCHER OR FLARE LAUNCHER;

8 (V) A FLASH SUPPRESSOR; OR

9 (VI) A FORWARD PISTOL GRIP;

10 (3) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS A FIXED
11 MAGAZINE WITH THE CAPACITY TO ACCEPT MORE THAN 10 ROUNDS;

12 (4) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS AN OVERALL
13 LENGTH OF LESS THAN 30 INCHES;

14 (5) A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A DETACHABLE
15 MAGAZINE AND ANY OF THE FOLLOWING:

16 (I) A THREADED BARREL, CAPABLE OF ACCEPTING A FLASH
17 SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;

18 (II) A SECOND HANDGRIP;

19 (III) A SHROUD THAT IS ATTACHED TO OR PARTIALLY OR
20 COMPLETELY ENCIRCLES THE BARREL, EXCEPT FOR A SLIDE THAT ENCLOSSES THE
21 BARREL, THAT ALLOWS THE BEARER TO FIRE THE WEAPON WITHOUT BURNING THE
22 BEARER'S HAND; OR

23 (IV) A DETACHABLE MAGAZINE OUTSIDE OF THE PISTOL GRIP;

24 (6) A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE THAT CAN
25 ACCEPT MORE THAN 10 ROUNDS;

26 (7) A SEMIAUTOMATIC SHOTGUN THAT HAS BOTH OF THE FOLLOWING:

27 (I) A FOLDING OR TELESCOPING STOCK; AND

28 (II) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH
29 THE ACTION OF THE WEAPON, THUMBHOLE STOCK, OR VERTICAL HANDGRIP; AND

30 (8) ANY SHOTGUN WITH A REVOLVING CYLINDER.

31 (F) "BOARD" MEANS THE HANDGUN ROSTER BOARD.

- 1 [(e)] (G) "Crime of violence" means:
- 2 (1) Abduction;
- 3 (2) Arson in the first degree;
- 4 (3) Assault in the first or second degree;
- 5 (4) Burglary in the first, second, or third degree;
- 6 (5) Carjacking and armed carjacking;
- 7 (6) Escape in the first degree;
- 8 (7) Kidnapping;
- 9 (8) Voluntary manslaughter;
- 10 (9) Maiming;
- 11 (10) Mayhem as previously proscribed under former § 384 of this article;
- 12 (11) Murder in the first or second degree;
- 13 (12) Rape in the first or second degree;
- 14 (13) Robbery under § 3-402 or § 3-403 of the Criminal Law Article;
- 15 (14) Sexual offense in the first, second, or third degree;
- 16 (15) An attempt to commit any of the aforesaid offenses; or
- 17 (16) Assault with intent to commit any of the aforesaid offenses or any
18 offense punishable by imprisonment for more than 1 year.

19 [(f)] (H) "Dealer" means any person who is engaged in the business of:

- 20 (1) Selling, renting, or transferring firearms at wholesale or retail; or
- 21 (2) Repairing firearms.

22 [(g)] (I) "Designated law enforcement agency" means any law enforcement
23 agency approved and designated by the Secretary to process applications to purchase
24 regulated firearms for secondary sales.

25 (J) "DETACHABLE MAGAZINE" MEANS ANY AMMUNITION FEEDING DEVICE
26 THAT CAN BE REMOVED READILY FROM THE FIREARM WITHOUT DISASSEMBLY OF
27 THE FIREARM ACTION OR USE OF A TOOL, INCLUDING A BULLET OR CARTRIDGE,
28 BEING REQUIRED.

29 [(h)] (K) "Engaged in the business" means any person who:

- 1 (1) Is licensed as a Maryland regulated firearms dealer;
- 2 (2) Is licensed as a federal firearms dealer;
- 3 (3) Devotes time, attention, and labor to dealing in firearms as a regular
4 course of trade or business with the principal objective of earning a profit through the
5 repeated purchase and resale of firearms; or
- 6 (4) Repairs firearms as a regular course of trade or business.
- 7 [(i)] (L) "Firearm" means:
- 8 (1) Any weapon (including a starter gun) which will or is designed to or
9 may readily be converted to expel a projectile by the action of an explosive; or
- 10 (2) The frame or receiver of any such weapon.
- 11 (M) "FLASH SUPPRESSOR" MEANS ANY DEVICE THAT IS INTENDED TO OR THAT
12 FUNCTIONS TO PERCEPTIBLY REDUCE OR REDIRECT MUZZLE FLASH FROM THE
13 SHOOTER'S FIELD OF VISION.
- 14 (N) "FORWARD PISTOL GRIP" MEANS A GRIP THAT ALLOWS FOR A PISTOL
15 STYLE GRASP FORWARD OF THE TRIGGER.
- 16 [(j)] (O) "Fugitive from justice" means any person who has fled from a sheriff
17 or other peace officer within this State, or who has fled from any state, the District of
18 Columbia, or territory or possession of the United States, to avoid prosecution for a
19 crime or to avoid giving testimony in any criminal proceeding.
- 20 [(k)] (P) "Gun show" means any organized gathering open to the public at
21 which any firearm is displayed.
- 22 [(l)] (Q) "Habitual drunkard" means any person who has been found guilty of
23 any three alcohol offenses, one of which occurred within the past year.
- 24 [(m)] (R) "Habitual user of controlled dangerous substances" means any
25 person who has been found guilty of two controlled dangerous substance offenses, one
26 of which occurred within the past 5 years.
- 27 [(n)] (S) "Handgun" means any firearm with a barrel less than 16 inches in
28 length including signal, starter, and blank pistols.
- 29 [(o)] (T) "Minor" means any person under the age of 18 years.
- 30 [(p)] (U) "Pepper mace" means an aerosol propelled combination of highly
31 disabling irritant pepper based products and is also known as oleo-resin capsicum
32 (O.C.) spray.
- 33 [(q)] (V) "Person" means an individual, partnership, association, or
34 corporation.

1 (W) "PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION
2 OF THE WEAPON" MEANS A GRIP THAT ALLOWS FOR A PISTOL STYLE GRASP IN
3 WHICH THE WEB OF THE TRIGGER HAND BETWEEN THE THUMB AND INDEX FINGER
4 CAN BE PLACED BELOW THE TOP OF THE EXPOSED PORTION OF THE TRIGGER WHILE
5 FIRING.

6 [(r)] (X) "Regulated firearm" means[:

7 (1) Any] ANY handgun as defined in this section[; or

8 (2) Any assault weapon as defined in this section].

9 [(s)] (Y) "Regulated firearms dealer" means any person who possesses a valid
10 Maryland regulated firearms dealers license issued by the Secretary.

11 [(t)] (Z) "Rent" means the temporary transfer of a regulated firearm for
12 consideration where the firearm is taken from the firearm owner's property.

13 [(u)] (AA) "Secondary sale" means any sale of a regulated firearm where
14 neither party to the transaction is engaged in the business as defined in this section.

15 [(v)] (BB) "Secretary" means the Secretary of the State Police or the
16 Secretary's designee.

17 [(w)] (CC) "Straw purchase" means any sale of a regulated firearm where the
18 individual uses another person (the straw purchaser) to complete the application to
19 purchase a regulated firearm, take initial possession of that firearm, and
20 subsequently transfer that firearm to the individual.

21 (DD) "THUMBHOLE STOCK" MEANS A STOCK WITH A HOLE THAT ALLOWS THE
22 THUMB OF THE TRIGGER HAND TO PENETRATE INTO OR THROUGH THE STOCK
23 WHILE FIRING.

24 447B.

25 IN THIS SUBHEADING, §§ 447C THROUGH 447G DO NOT APPLY TO:

26 (1) IF ACTING WITHIN THE SCOPE OF OFFICIAL BUSINESS, PERSONNEL
27 OF THE FEDERAL GOVERNMENT, MEMBERS OF THE ARMED FORCES OF THE UNITED
28 STATES OR OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL OF THE
29 STATE OR OF A LOCAL JURISDICTION OF THE STATE;

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

31 (3) PURCHASING, SELLING, OR TRANSPORTING A FIREARM BY A
32 LICENSED FIREARMS DEALER OR MANUFACTURER WHO IS:

33 (I) PROVIDING OR SERVICING AN ASSAULT WEAPON OR
34 DETACHABLE MAGAZINE FOR A LAW ENFORCEMENT AGENCY OR FOR PERSONNEL
35 LISTED IN THIS SECTION; OR

1 (II) ACTING TO SELL OR TRANSFER AN ASSAULT WEAPON OR
2 DETACHABLE MAGAZINE TO A LICENSED FIREARMS DEALER IN ANOTHER STATE;

3 (4) AN ORGANIZATION THAT IS REQUIRED OR AUTHORIZED BY FEDERAL
4 LAW TO MAINTAIN ASSAULT WEAPONS AND APPLICABLE AMMUNITION AND
5 DETACHABLE MAGAZINES;

6 (5) THE RECEIPT OF AN ASSAULT WEAPON OR DETACHABLE MAGAZINE
7 BY INHERITANCE, IF THE DECEDENT LAWFULLY POSSESSED THE ASSAULT WEAPON
8 OR DETACHABLE MAGAZINE; OR

9 (6) THE RECEIPT OF AN ASSAULT WEAPON OR DETACHABLE MAGAZINE
10 BY A PERSONAL REPRESENTATIVE OF AN ESTATE FOR THE PURPOSES OF
11 EXERCISING THE POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE OF AN
12 ESTATE.

13 447C.

14 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON
15 MAY NOT:

16 (1) TRANSPORT AN ASSAULT WEAPON INTO THE STATE; OR

17 (2) POSSESS, SELL, OFFER FOR SALE, TRANSFER, PURCHASE, OR
18 RECEIVE AN ASSAULT WEAPON.

19 (B) (1) A FIREARMS DEALER MAY CONTINUE TO POSSESS, SELL, OFFER FOR
20 SALE, OR TRANSFER AN ASSAULT WEAPON THAT THE FIREARMS DEALER LAWFULLY
21 POSSESSED ON OR BEFORE JULY 31, 2003.

22 (2) A PERSON WHO IS NOT A FIREARMS DEALER MAY CONTINUE TO
23 POSSESS AN ASSAULT WEAPON THAT THE PERSON LAWFULLY POSSESSED AND THAT
24 THE PERSON REGISTERED WITH THE DEPARTMENT OF STATE POLICE ON OR BEFORE
25 JULY 31, 2003.

26 447D.

27 (A) THE BOARD SHALL COMPILE AND MAINTAIN A ROSTER OF PROHIBITED
28 ASSAULT WEAPONS.

29 (B) BEGINNING ON OR BEFORE JULY 1, 2004, THE BOARD, EVERY 6 MONTHS,
30 SHALL HAVE PUBLISHED THE ROSTER OF PROHIBITED ASSAULT WEAPONS IN THE
31 MARYLAND REGISTER AND SHALL SEND A COPY OF THE ROSTER TO ALL REGULATED
32 FIREARMS DEALERS.

33 447E.

34 A LAW ENFORCEMENT AGENCY MAY SEIZE AS CONTRABAND AND DISPOSE OF
35 AN ASSAULT WEAPON THAT IS TRANSPORTED, SOLD, TRANSFERRED, PURCHASED,
36 RECEIVED, OR POSSESSED IN VIOLATION OF THIS SUBHEADING.

1 447F.

2 (A) A PERSON MAY PETITION THE BOARD TO REMOVE A FIREARM FROM THE
3 ROSTER OF PROHIBITED ASSAULT WEAPONS IN ACCORDANCE WITH THIS SECTION
4 AND TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

5 (B) A PETITION SHALL BE SUBMITTED IN WRITING AND BE IN THE FORM SET
6 BY THE BOARD.

7 (C) A PETITIONER HAS THE BURDEN OF PROOF.

8 (D) (1) WITHIN 45 DAYS AFTER RECEIPT OF A PETITION, THE BOARD MAY:

9 (I) DENY THE PETITION AND STATE THE REASONS FOR THE
10 DENIAL; OR

11 (II) APPROVE THE PETITION, REMOVE THE FIREARM FROM THE
12 ROSTER OF PROHIBITED ASSAULT WEAPONS, AND HAVE PUBLISHED IN THE
13 MARYLAND REGISTER:

14 1. A DESCRIPTION OF THE FIREARM; AND

15 2. A NOTICE STATING THAT AN OBJECTION TO THE
16 REMOVAL OF THE FIREARM FROM THE ROSTER MUST BE FILED WITH THE BOARD
17 WITHIN 30 DAYS.

18 (2) IF THE BOARD DOES NOT TAKE ACTION TO APPROVE OR DENY THE
19 PETITION WITHIN 45 DAYS AFTER RECEIPT OF THE PETITION, THE PETITION SHALL
20 BE CONSIDERED DENIED.

21 (E) (1) IF A PETITION IS DENIED, THE BOARD SHALL NOTIFY THE
22 PETITIONER BY CERTIFIED MAIL.

23 (2) THE PETITIONER MAY REQUEST A HEARING BEFORE THE BOARD
24 WITHIN 15 DAYS AFTER THE DATE THAT THE DENIAL LETTER IS RECEIVED.

25 (3) WITHIN A REASONABLE TIME NOT EXCEEDING 90 DAYS AFTER
26 RECEIPT OF A REQUEST FOR A HEARING, THE BOARD SHALL HOLD A HEARING AND
27 ISSUE A WRITTEN FINAL DECISION.

28 (4) AN AGGRIEVED PARTY MAY APPEAL A FINAL DECISION TO CIRCUIT
29 COURT WITHIN 30 DAYS AFTER A FINAL DECISION IS MADE.

30 (F) THIS SECTION DOES NOT REQUIRE THE BOARD TO TEST OR TO PAY FOR
31 THE TESTING OF A FIREARM.

32 447G.

33 (A) A PERSON WHO VIOLATES § 447C OF THIS SUBHEADING IS GUILTY OF A
34 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
35 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

1 (B) (1) A PERSON WHO USES AN ASSAULT WEAPON OR A MAGAZINE THAT
 2 HAS A CAPACITY OF MORE THAN 20 ROUNDS IN THE COMMISSION OF A FELONY OR A
 3 CRIME OF VIOLENCE AS DEFINED IN § 441 OF THIS ARTICLE IS GUILTY OF A
 4 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE PENALTIES LISTED IN
 5 PARAGRAPHS (2) AND (3) OF THIS SUBSECTION IN ADDITION TO ANY OTHER
 6 SENTENCE IMPOSED FOR THE UNDERLYING FELONY OR CRIME OF VIOLENCE.

7 (2) (I) IF THE PERSON IS CONVICTED OF A FIRST VIOLATION, THE
 8 PERSON SHALL BE SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND
 9 NOT EXCEEDING 20 YEARS.

10 (II) IT IS MANDATORY ON THE COURT TO IMPOSE THE MINIMUM
 11 SENTENCE OF 5 YEARS.

12 (III) A COURT MAY NOT SUSPEND ANY PORTION OF THE
 13 MANDATORY MINIMUM SENTENCE OF 5 YEARS.

14 (IV) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
 15 CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN
 16 LESS THAN 5 YEARS.

17 (3) (I) IF THE PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT
 18 VIOLATION, THE PERSON SHALL BE SUBJECT TO IMPRISONMENT FOR NOT LESS
 19 THAN 10 YEARS AND NOT EXCEEDING 20 YEARS.

20 (II) IT IS MANDATORY ON THE COURT TO IMPOSE THE MINIMUM
 21 SENTENCE OF 10 YEARS.

22 (III) A COURT MAY NOT SUSPEND ANY PORTION OF THE
 23 MANDATORY MINIMUM SENTENCE OF 10 YEARS.

24 (IV) THE PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 10
 25 YEARS.

26 (4) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE
 27 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
 28 FOR THE UNDERLYING FELONY OR CRIME OF VIOLENCE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the laws of Maryland
 30 read as follows:

31 **Article - Public Safety**

32 5-101.

33 (a) In this subtitle the following words have the meanings indicated.

34 (p) "Regulated firearm" means[:

35 (1)] a handgun[; or

1 (2) a firearm that is any of the following specific assault weapons or
2 their copies, regardless of which company produced and manufactured that assault
3 weapon:

- 4 (i) American Arms Spectre da Semiautomatic carbine;
- 5 (ii) AK-47 in all forms;
- 6 (iii) Algimec AGM-1 type semi-auto;
- 7 (iv) AR 100 type semi-auto;
- 8 (v) AR 180 type semi-auto;
- 9 (vi) Argentine L.S.R. semi-auto;
- 10 (vii) Australian Automatic Arms SAR type semi-auto;
- 11 (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- 12 (ix) Barrett light .50 cal. semi-auto;
- 13 (x) Beretta AR70 type semi-auto;
- 14 (xi) Bushmaster semi-auto rifle;
- 15 (xii) Calico models M-100 and M-900;
- 16 (xiii) CIS SR 88 type semi-auto;
- 17 (xiv) Claridge HI TEC C-9 carbines;
- 18 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15
19 Sporter H-BAR rifle;
- 20 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
- 21 (xvii) Dragunov Chinese made semi-auto;
- 22 (xviii) Famas semi-auto (.223 caliber);
- 23 (xix) Feather AT-9 semi-auto;
- 24 (xx) FN LAR and FN FAL assault rifle;
- 25 (xxi) FNC semi-auto type carbine;
- 26 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 27 (xxiii) Steyr-AUG-SA semi-auto;
- 28 (xxiv) Galil models AR and ARM semi-auto;

- 1 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 2 (xxvi) Holmes model 88 shotgun;
- 3 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- 4 (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- 5 (xxix) Mandell TAC-1 semi-auto carbine;
- 6 (xxx) Mossberg model 500 Bullpup assault shotgun;
- 7 (xxxi) Sterling Mark 6;
- 8 (xxxii) P.A.W.S. carbine;
- 9 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- 10 (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- 11 (xxxv) SKS with detachable magazine;
- 12 (xxxvi) AP-74 Commando type semi-auto;
- 13 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21
14 sniper rifle, M1A, excluding the M1 Garand;
- 15 (xxxviii) Street sweeper assault type shotgun;
- 16 (xxxix) Striker 12 assault shotgun in all formats;
- 17 (xl) Unique F11 semi-auto type;
- 18 (xli) Daewoo USAS 12 semi-auto shotgun;
- 19 (xlii) UZI 9mm carbine or rifle;
- 20 (xlili) Valmet M-76 and M-78 semi-auto;
- 21 (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- 22 (xlv) Wilkinson Arms 9mm semi-auto "Terry"].

23 SUBTITLE 4A. ASSAULT WEAPONS.

24 5-4A-01.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) (1) "AMMUNITION FEEDING DEVICE" INCLUDES ANY BELTED OR LINKED
28 AMMUNITION.

1 (2) "AMMUNITION FEEDING DEVICE" DOES NOT INCLUDE CLIPS, EN
2 BLOC CLIPS, OR STRIPPER CLIPS THAT LOAD CARTRIDGES INTO THE MAGAZINE.

3 (C) "ASSAULT WEAPON" MEANS:

4 (1) ANY OF THE FOLLOWING SPECIFIC FIREARMS OR THEIR COPIES
5 REGARDLESS OF WHICH COMPANY PRODUCED AND MANUFACTURED THAT
6 FIREARM:

- 7 (I) AMERICAN ARMS SPECTRE DA SEMIAUTOMATIC CARBINE;
- 8 (II) AK-47 IN ALL FORMS;
- 9 (III) ALGIMEC AGM-1 TYPE SEMI-AUTO;
- 10 (IV) AR 100 TYPE SEMI-AUTO;
- 11 (V) AR 180 TYPE SEMI-AUTO;
- 12 (VI) ARGENTINE L.S.R. SEMI-AUTO;
- 13 (VII) AUSTRALIAN AUTOMATIC ARMS SAR TYPE SEMI-AUTO;
- 14 (VIII) AUTO-ORDNANCE THOMPSON M1 AND 1927
15 SEMI-AUTOMATICS;
- 16 (IX) BARRETT LIGHT .50 CAL. SEMI-AUTO;
- 17 (X) BERETTA AR70 TYPE SEMI-AUTO;
- 18 (XI) BUSHMASTER SEMI-AUTO RIFLE;
- 19 (XII) CALICO MODELS M-100 AND M-900;
- 20 (XIII) CIS SR 88 TYPE SEMI-AUTO;
- 21 (XIV) CLARIDGE HI TEC C-9 CARBINES;
- 22 (XV) COLT AR-15, CAR-15, AND ALL IMITATIONS EXCEPT COLT AR-15
23 SPORTER H-BAR RIFLE;
- 24 (XVI) DAEWOO MAX 1 AND MAX 2, AKA AR 100, 110C, K-1, AND K-2;
- 25 (XVII) DRAGUNOV CHINESE MADE SEMI-AUTO;
- 26 (XVIII) FAMAS SEMI-AUTO (.223 CALIBER);
- 27 (XIX) FEATHER AT-9 SEMI-AUTO;
- 28 (XX) FN LAR AND FN FAL ASSAULT RIFLE;
- 29 (XXI) FNC SEMI-AUTO TYPE CARBINE;

- 1 (XXII) F.I.E./FRANCHI LAW 12 AND SPAS 12 ASSAULT SHOTGUN;
- 2 (XXIII) STEYR-AUG-SA SEMI-AUTO;
- 3 (XXIV) GALIL MODELS AR AND ARM SEMI-AUTO;
- 4 (XXV) HECKLER AND KOCH HK-91 A3, HK-93 A2, HK-94 A2 AND A3;
- 5 (XXVI) HOLMES MODEL 88 SHOTGUN;
- 6 (XXVII) AVTOMAT KALASHNIKOV SEMIAUTOMATIC RIFLE IN ANY
7 FORMAT;
- 8 (XXVIII) MANCHESTER ARMS "COMMANDO" MK-45, MK-9;
- 9 (XXIX) MANDELL TAC-1 SEMI-AUTO CARBINE;
- 10 (XXX) MOSSBERG MODEL 500 BULLPUP ASSAULT SHOTGUN;
- 11 (XXXI) STERLING MARK 6;
- 12 (XXXII) P.A.W.S. CARBINE;
- 13 (XXXIII) RUGER MINI-14 FOLDING STOCK MODEL (.223 CALIBER);
- 14 (XXXIV) SIG 550/551 ASSAULT RIFLE (.223 CALIBER);
- 15 (XXXV) SKS WITH DETACHABLE MAGAZINE;
- 16 (XXXVI) AP-74 COMMANDO TYPE SEMI-AUTO;
- 17 (XXXVII) SPRINGFIELD ARMORY BM-59, SAR-48, G3, SAR-3, M-21
18 SNIPER RIFLE, M1A, EXCLUDING THE M1 GARAND;
- 19 (XXXVIII) STREET SWEEPER ASSAULT TYPE SHOTGUN;
- 20 (XXXIX) STRIKER 12 ASSAULT SHOTGUN IN ALL FORMATS;
- 21 (XL) UNIQUE F11 SEMI-AUTO TYPE;
- 22 (XLI) DAEWOO USAS 12 SEMI-AUTO SHOTGUN;
- 23 (XLII) UZI 9MM CARBINE OR RIFLE;
- 24 (XLIII) VALMET M-76 AND M-78 SEMI-AUTO;
- 25 (XLIV) WEAVER ARMS "NIGHTHAWK" SEMI-AUTO CARBINE; OR
- 26 (XLV) WILKINSON ARMS 9MM SEMI-AUTO "TERRY";
- 27 (2) A SEMIAUTOMATIC, CENTERFIRE RIFLE CAN ACCEPT A DETACHABLE
28 MAGAZINE AND ANY OF THE FOLLOWING:

1 (I) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH
2 THE ACTION OF THE WEAPON;

3 (II) A THUMBHOLE STOCK;

4 (III) A FOLDING OR TELESCOPING STOCK;

5 (IV) A GRENADE LAUNCHER OR FLARE LAUNCHER;

6 (V) A FLASH SUPPRESSOR; OR

7 (VI) A FORWARD PISTOL GRIP;

8 (3) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS A FIXED
9 MAGAZINE WITH THE CAPACITY TO ACCEPT MORE THAN 10 ROUNDS;

10 (4) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS AN OVERALL
11 LENGTH OF LESS THAN 30 INCHES;

12 (5) A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A DETACHABLE
13 MAGAZINE AND ANY OF THE FOLLOWING:

14 (I) A THREADED BARREL, CAPABLE OF ACCEPTING A FLASH
15 SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;

16 (II) A SECOND HANDGRIP;

17 (III) A SHROUD THAT IS ATTACHED TO OR PARTIALLY OR
18 COMPLETELY ENCIRCLES THE BARREL, EXCEPT FOR A SLIDE THAT ENCLOSSES THE
19 BARREL, THAT ALLOWS THE BEARER TO FIRE THE WEAPON WITHOUT BURNING THE
20 BEARER'S HAND;

21 (IV) THE CAPACITY TO ACCEPT A DETACHABLE MAGAZINE OUTSIDE
22 OF THE PISTOL GRIP;

23 (6) A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE THAT CAN
24 ACCEPT MORE THAN 10 ROUNDS;

25 (7) A SEMIAUTOMATIC SHOTGUN THAT HAS BOTH OF THE FOLLOWING:

26 (I) A FOLDING OR TELESCOPING STOCK; AND

27 (II) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH
28 THE ACTION OF THE WEAPON, THUMBHOLE STOCK, OR VERTICAL HANDGRIP; OR

29 (8) ANY SHOTGUN WITH A REVOLVING CYLINDER.

30 (D) "BOARD" MEANS THE HANDGUN ROSTER BOARD.

31 (E) "DETACHABLE MAGAZINE" MEANS ANY AMMUNITION FEEDING DEVICE
32 THAT CAN BE REMOVED READILY FROM THE FIREARM WITHOUT DISASSEMBLY OF

1 THE FIREARM ACTION OR USE OF A TOOL, INCLUDING A BULLET OR CARTRIDGE,
2 BEING REQUIRED.

3 (F) "LICENSED FIREARMS DEALER" MEANS A PERSON WHO HOLDS A DEALER'S
4 LICENSE UNDER TITLE 1 OF THIS SUBTITLE.

5 (G) "FLASH SUPPRESSOR" MEANS ANY DEVICE THAT IS INTENDED TO OR THAT
6 FUNCTIONS TO PERCEPTIBLY REDUCE OR REDIRECT MUZZLE FLASH FROM THE
7 SHOOTER'S FIELD OF VISION.

8 (H) "FORWARD PISTOL GRIP" MEANS A GRIP THAT ALLOWS FOR A PISTOL
9 STYLE GRASP FORWARD OF THE TRIGGER.

10 (I) "PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION
11 OF THE WEAPON" MEANS A GRIP THAT ALLOWS FOR A PISTOL STYLE GRASP IN
12 WHICH THE WEB OF THE TRIGGER HAND BETWEEN THE THUMB AND INDEX FINGER
13 CAN BE PLACED BELOW THE TOP OF THE EXPOSED PORTION OF THE TRIGGER WHILE
14 FIRING.

15 (J) "THUMBHOLE STOCK" MEANS A STOCK WITH A HOLE THAT ALLOWS THE
16 THUMB OF THE TRIGGER HAND TO PENETRATE INTO OR THROUGH THE STOCK
17 WHILE FIRING.

18 5-4A-02.

19 THIS SUBTITLE DOES NOT APPLY TO:

20 (1) IF ACTING WITHIN THE SCOPE OF OFFICIAL BUSINESS, PERSONNEL
21 OF THE FEDERAL GOVERNMENT, MEMBERS OF THE ARMED FORCES OF THE UNITED
22 STATES OR OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL OF THE
23 STATE OR OF A LOCAL JURISDICTION OF THE STATE;

24 (2) A FIREARM MODIFIED TO RENDER IT PERMANENTLY INOPERATIVE;

25 (3) PURCHASING, SELLING, OR TRANSPORTING A FIREARM BY A
26 LICENSED FIREARMS DEALER OR MANUFACTURER WHO IS:

27 (I) PROVIDING OR SERVICING AN ASSAULT WEAPON OR
28 DETACHABLE MAGAZINE FOR A LAW ENFORCEMENT AGENCY OR FOR PERSONNEL
29 LISTED IN THIS SECTION; OR

30 (II) ACTING TO SELL OR TRANSFER AN ASSAULT WEAPON OR
31 DETACHABLE MAGAZINE TO A LICENSED FIREARMS DEALER IN ANOTHER STATE;

32 (4) AN ORGANIZATION THAT IS REQUIRED OR AUTHORIZED BY FEDERAL
33 LAW TO MAINTAIN ASSAULT WEAPONS AND APPLICABLE AMMUNITION AND
34 DETACHABLE MAGAZINES;

1 (5) THE RECEIPT OF AN ASSAULT WEAPON OR DETACHABLE MAGAZINE
2 BY INHERITANCE, IF THE DECEDENT LAWFULLY POSSESSED THE ASSAULT WEAPON
3 OR DETACHABLE MAGAZINE; OR

4 (6) THE RECEIPT OF AN ASSAULT WEAPON OR DETACHABLE MAGAZINE
5 BY A PERSONAL REPRESENTATIVE OF AN ESTATE FOR THE PURPOSES OF
6 EXERCISING THE POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE OF AN
7 ESTATE.

8 5-4A-03.

9 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON
10 MAY NOT:

11 (1) TRANSPORT AN ASSAULT WEAPON INTO THE STATE; OR

12 (2) POSSESS, SELL, OFFER FOR SALE, TRANSFER, PURCHASE, OR
13 RECEIVE AN ASSAULT WEAPON.

14 (B) (1) A LICENSED FIREARMS DEALER MAY CONTINUE TO POSSESS, SELL,
15 OFFER FOR SALE, OR TRANSFER AN ASSAULT WEAPON THAT THE LICENSED
16 FIREARMS DEALER LAWFULLY POSSESSED ON OR BEFORE JULY 31, 2003.

17 (2) A PERSON WHO IS NOT A LICENSED FIREARMS DEALER MAY
18 CONTINUE TO POSSESS AN ASSAULT WEAPON THAT THE PERSON LAWFULLY
19 POSSESSED AND THAT THE PERSON REGISTERED WITH THE DEPARTMENT OF STATE
20 POLICE ON OR BEFORE JULY 31, 2003.

21 5-4A-04.

22 (A) THE BOARD SHALL COMPILE AND MAINTAIN A ROSTER OF PROHIBITED
23 ASSAULT WEAPONS.

24 (B) BEGINNING ON OR BEFORE JULY 1, 2004, THE BOARD, EVERY 6 MONTHS,
25 SHALL HAVE PUBLISHED THE ROSTER OF PROHIBITED ASSAULT WEAPONS IN THE
26 MARYLAND REGISTER AND SHALL SEND A COPY OF THE ROSTER TO ALL LICENSED
27 FIREARMS DEALERS.

28 5-4A-05.

29 A LAW ENFORCEMENT AGENCY MAY SEIZE AS CONTRABAND AND DISPOSE OF
30 AN ASSAULT WEAPON THAT IS TRANSPORTED, SOLD, TRANSFERRED, PURCHASED,
31 RECEIVED, OR POSSESSED IN VIOLATION OF THIS SUBTITLE.

32 5-4A-06.

33 (A) A PERSON MAY PETITION THE BOARD TO REMOVE A FIREARM FROM THE
34 ROSTER OF PROHIBITED ASSAULT WEAPONS IN ACCORDANCE WITH THIS SECTION
35 AND TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

1 (B) A PETITION SHALL BE SUBMITTED IN WRITING AND BE IN THE FORM SET
2 BY THE BOARD.

3 (C) A PETITIONER HAS THE BURDEN OF PROOF.

4 (D) (1) WITHIN 45 DAYS AFTER RECEIPT OF A PETITION, THE BOARD MAY:

5 (I) DENY THE PETITION AND STATE THE REASONS FOR THE
6 DENIAL; OR

7 (II) APPROVE THE PETITION, REMOVE THE FIREARM FROM THE
8 ROSTER OF PROHIBITED ASSAULT WEAPONS, AND HAVE PUBLISHED IN THE
9 MARYLAND REGISTER:

10 1. A DESCRIPTION OF THE FIREARM; AND

11 2. A NOTICE STATING THAT AN OBJECTION TO THE
12 REMOVAL OF THE FIREARM FROM THE ROSTER MUST BE FILED WITH THE BOARD
13 WITHIN 30 DAYS.

14 (2) IF THE BOARD DOES NOT TAKE ACTION TO APPROVE OR DENY THE
15 PETITION WITHIN 45 DAYS AFTER RECEIPT OF THE PETITION, THE PETITION SHALL
16 BE CONSIDERED DENIED.

17 (E) (1) IF A PETITION IS DENIED, THE BOARD SHALL NOTIFY THE
18 PETITIONER BY CERTIFIED MAIL.

19 (2) THE PETITIONER MAY REQUEST A HEARING BEFORE THE BOARD
20 WITHIN 15 DAYS AFTER THE DATE THAT THE DENIAL LETTER IS RECEIVED.

21 (3) WITHIN A REASONABLE TIME NOT EXCEEDING 90 DAYS AFTER
22 RECEIPT OF A REQUEST FOR A HEARING, THE BOARD SHALL HOLD A HEARING AND
23 ISSUE A WRITTEN FINAL DECISION.

24 (4) AN AGGRIEVED PARTY MAY APPEAL A FINAL DECISION TO CIRCUIT
25 COURT WITHIN 30 DAYS AFTER A FINAL DECISION IS MADE.

26 (F) THIS SECTION DOES NOT REQUIRE THE BOARD TO TEST OR TO PAY FOR
27 THE TESTING OF A FIREARM.

28 5-4A-07.

29 (A) A PERSON WHO VIOLATES § 5-4A-03 OF THIS SUBTITLE IS GUILTY OF A
30 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
31 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

32 (B) (1) A PERSON WHO USES AN ASSAULT WEAPON OR A MAGAZINE THAT
33 HAS A CAPACITY OF MORE THAN 20 ROUNDS IN THE COMMISSION OF A FELONY OR A
34 CRIME OF VIOLENCE AS DEFINED IN § 5-101 OF THIS TITLE IS GUILTY OF A
35 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE PENALTIES LISTED IN

1 PARAGRAPHS (2) AND (3) OF THIS SUBSECTION IN ADDITION TO ANY OTHER
2 SENTENCE IMPOSED FOR THE UNDERLYING FELONY OR CRIME OF VIOLENCE.

3 (2) (I) IF THE PERSON IS CONVICTED OF A FIRST VIOLATION, THE
4 PERSON SHALL BE SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND
5 NOT EXCEEDING 20 YEARS.

6 (II) IT IS MANDATORY ON THE COURT TO IMPOSE THE MINIMUM
7 SENTENCE OF 5 YEARS.

8 (III) A COURT MAY NOT SUSPEND ANY PORTION OF THE
9 MANDATORY MINIMUM SENTENCE OF 5 YEARS.

10 (IV) THE PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 5
11 YEARS.

12 (3) (I) IF THE PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT
13 VIOLATION, THE PERSON SHALL BE SUBJECT TO IMPRISONMENT FOR NOT LESS
14 THAN 10 YEARS AND NOT EXCEEDING 20 YEARS.

15 (II) IT IS MANDATORY ON THE COURT TO IMPOSE THE MINIMUM
16 SENTENCE OF 10 YEARS.

17 (III) A COURT MAY NOT SUSPEND ANY PORTION OF THE
18 MANDATORY MINIMUM SENTENCE OF 10 YEARS.

19 (IV) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
20 CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN
21 LESS THAN 10 YEARS.

22 (4) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE
23 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
24 FOR THE UNDERLYING FELONY OR CRIME OF VIOLENCE.

25 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act
26 shall take effect on the taking effect of Chapter ____ (S.B. 1) of the Acts of the General
27 Assembly of 2003. If Section 2 of this Act takes effect, Section 1 of this Act shall be
28 abrogated and of no further force and effect.

29 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the
30 provisions of Section 3 of this Act, this Act shall take effect August 1, 2003.