
By: **Delegate Owings**
Introduced and read first time: February 28, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms - Disposition by Law Enforcement Units - Sale to Licensed Dealers**

3 FOR the purpose of authorizing a certain law enforcement unit to dispose of a
4 forfeited handgun by sale, exchange, or transfer to a certain licensed firearms
5 dealer; requiring a certain law enforcement unit to send certain information
6 about the dealer to the Secretary of State Police; requiring a certain law
7 enforcement agency seeking to dispose of a firearm in the possession of the
8 agency to do so in certain ways, including by sale, exchange, or transfer to a
9 certain licensed firearms dealer; removing the authority of a law enforcement
10 agency to sell a handgun to a certain retired police employee; providing that if a
11 law enforcement agency sells, exchanges, or transfers a firearm to a certain
12 firearms dealer, the firearms dealer may sell the firearm to the law enforcement
13 officer to whom the firearm was previously assigned; removing the authority of
14 a certain retired police employee to acquire the handgun issued to the employee
15 under certain conditions; defining a certain term; and generally relating to the
16 disposition of firearms by law enforcement agencies.

17 BY repealing and reenacting, without amendments,
18 Article - Criminal Procedure
19 Section 13-201
20 Annotated Code of Maryland
21 (2001 Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Criminal Procedure
24 Section 13-206
25 Annotated Code of Maryland
26 (2001 Volume and 2002 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Public Safety
29 Section 2-415 and 3-501
30 Annotated Code of Maryland

1 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)

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

4 **Article - Criminal Procedure**

5 13-201.

6 The following property is subject to seizure and forfeiture:

7 (1) a handgun worn, carried, or transported in violation of § 4-203 or §
8 4-204 of the Criminal Law Article or sold, rented, transferred, or possessed in
9 violation of Article 27, § 442, § 442A, or § 445 of the Code; and

10 (2) ammunition, handgun parts, or handgun appurtenances that are:

11 (i) worn, carried, or transported in violation of § 4-203 or § 4-204
12 of the Criminal Law Article; or

13 (ii) found in the immediate vicinity of a handgun worn, carried, or
14 transported in violation of § 4-203 or § 4-204 of the Criminal Law Article.

15 13-206.

16 (a) Whenever property is forfeited under this subtitle, the law enforcement
17 unit that sought forfeiture of the property may only:

18 (1) order the property retained for the official use of the law enforcement
19 unit;

20 (2) destroy the forfeited property; or

21 (3) sell, exchange, or transfer the forfeited property to:

22 (I) another law enforcement unit for official use by that unit; OR

23 (II) A FIREARMS DEALER LICENSED UNDER TITLE 5, SUBTITLE 1 OF
24 THE PUBLIC SAFETY ARTICLE.

25 (b) Within 30 days after disposing of forfeited property, a law enforcement unit
26 shall send to the Secretary of the State Police:

27 (1) a description of the property forfeited;

28 (2) the type of disposition made; and

29 (3) (I) the identity of the person to whom the property was transferred
30 for disposal, [retention, or official use] RETENTION, SALE, EXCHANGE, OR TRANSFER;
31 AND

1 (II) IF THE PERSON WAS A FIREARMS DEALER LICENSED UNDER
2 TITLE 5, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE, THE PERSON'S LICENSE
3 NUMBER AND ADDRESS.

4 **Article - Public Safety**

5 2-415.

6 (a) (1) Retirement shall occur in accordance with the State Personnel and
7 Pensions Article.

8 (2) Except for the Secretary, retirement is mandatory as provided in §
9 24-401(c) of the State Personnel and Pensions Article.

10 (b) (1) The Secretary may apply for disability retirement on behalf of a
11 police employee in accordance with § 29-103 of the State Personnel and Pensions
12 Article.

13 (2) This subsection does not prevent a police employee from exercising
14 the individual's rights under § 21-111 of the State Personnel and Pensions Article.

15 [(c) (1) Notwithstanding any other provision of law, a police employee, on
16 retirement in good standing, may keep or acquire the handgun issued by the State to
17 that police employee if:

18 (i) the police employee reimburses the Department for the
19 replacement value of the handgun; and

20 (ii) the Secretary authorizes the transaction.

21 (2) The Secretary shall adopt regulations necessary to carry out this
22 subsection.]

23 3-501.

24 (A) IN THIS SECTION, "FIREARM" HAS THE MEANING STATED IN § 5-101 OF
25 THIS ARTICLE.

26 (B) A law enforcement agency seeking to dispose of a [handgun] FIREARM
27 [owned by] IN THE POSSESSION OF the agency shall:

28 (1) destroy the [handgun] FIREARM;

29 (2) sell, exchange, or transfer the [handgun] FIREARM to another law
30 enforcement agency for official use by that agency; OR

31 (3) [sell the handgun to a retired police employee in accordance with §
32 2-415(c) of this article; or

33 (4) sell the handgun to the law enforcement officer to whom the handgun
34 was assigned] SELL, EXCHANGE, OR TRANSFER THE FIREARM TO A LICENSED

1 FIREARMS DEALER WHO MAY SELL THE FIREARM TO THE LAW ENFORCEMENT
2 OFFICER TO WHOM THE FIREARM WAS PREVIOUSLY ASSIGNED.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2003.