

SENATE BILL 208

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2003 Regular Session
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By: **Senators Forehand, Ruben, Britt, Conway, Exum, Garagiola, Grosfeld,
Jones, Kelley, Lawlah, McFadden, and Teitelbaum**

Introduced and read first time: January 29, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms - Shell Casings and Other Identification Information**

3 FOR the purpose of applying to all firearms certain requirements concerning shell
4 casings and other identification information; requiring a manufacturer that
5 ships or transports a firearm to be sold, rented, or transferred in the State to
6 provide a separate sealed container with a certain shell casing and additional
7 information; requiring a dealer to forward the sealed container to the
8 Department of State Police on the sale, rental, or transfer of the firearm;
9 requiring the Department of State Police Crime Laboratory to enter certain
10 information in certain databases; providing a certain penalty; providing for the
11 effective date for certain provisions of this Act; providing for the termination of
12 certain provisions of this Act; and generally relating to firearms.

13 BY repealing and reenacting, without amendments,
14 Article 27 - Crimes and Punishments
15 Section 441(a) and (i)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 2002 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 27 - Crimes and Punishments
20 Section 442B and 449(f)
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - Public Safety
25 Section 5-101(a) and (h)
26 Annotated Code of Maryland
27 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)

28 BY repealing and reenacting, with amendments,

1 Article - Public Safety
2 Section 5-131 and 5-143
3 Annotated Code of Maryland
4 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2003)

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

7 **Article 27 - Crimes and Punishments**

8 441.

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

10 (i) "Firearm" means:

11 (1) Any weapon (including a starter gun) which will or is designed to or
12 may readily be converted to expel a projectile by the action of an explosive; or

13 (2) The frame or receiver of any such weapon.

14 442B.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) "Manufacturer" means any person who possesses a valid federal
17 license issued by the Secretary of the Treasury that permits that person to engage in
18 the business of manufacturing firearms or ammunition for the purpose of sale or
19 distribution.

20 (3) "Projectile" means that part of [handgun] FIREARM ammunition
21 that is, by means of an explosion, expelled through the barrel of the [handgun]
22 FIREARM.

23 (4) "Shell casing" means that part of [handgun] FIREARM ammunition
24 that contains the primer and propellant powder to discharge the projectile.

25 (b) Any manufacturer that ships or transports a [handgun] FIREARM to be
26 sold, rented, or transferred in the State shall include in the box with the [handgun]
27 FIREARM in a separate sealed container:

28 (1) A shell casing of a projectile discharged from that [handgun]
29 FIREARM; and

30 (2) Additional information that identifies the type of [handgun]
31 FIREARM and shell casing as required by the Secretary to meet the provisions of this
32 section.

1 (c) Upon receipt of a [handgun] FIREARM from the manufacturer, the dealer
2 shall confirm to the Department of State Police that the manufacturer complied with
3 the provisions of subsection (b).

4 (d) Upon the sale or transfer of the [handgun] FIREARM, the dealer shall
5 forward the sealed container to the Department of State Police crime laboratory.

6 (e) Upon receipt of the shell casing and required information, the Department
7 of State Police crime laboratory shall enter the information in all pertinent databases.

8 (f) The Secretary shall promulgate regulations to carry out the provisions of
9 this section.

10 449.

11 (f) Except as otherwise provided in this section, any dealer or person who
12 knowingly participates in the illegal sale, rental, transfer, purchase, possession, or
13 receipt of a regulated firearm in violation of this subheading OR IN VIOLATION OF §
14 442B OF THIS SUBHEADING shall be guilty of a misdemeanor and upon conviction
15 shall be fined not more than \$10,000 or imprisoned for not more than 5 years, or both.
16 Each violation shall be considered a separate offense.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
18 read as follows:

19 **Article - Public Safety**

20 5-101.

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

22 (h) (1) "Firearm" means:

23 (i) a weapon that expels, is designed to expel, or may readily be
24 converted to expel a projectile by the action of an explosive; or

25 (ii) the frame or receiver of such a weapon.

26 (2) "Firearm" includes a starter gun.

27 5-131.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) "Manufacturer" means a person who possesses a federal license to
30 engage in the business of manufacturing firearms or ammunition for sale or
31 distribution.

32 (3) "Projectile" means the part of [handgun] FIREARM ammunition that
33 is expelled through the barrel of the [handgun] FIREARM by an explosion.

1 (4) "Shell casing" means the part of [handgun] FIREARM ammunition
2 that contains the primer and propellant powder to discharge the projectile.

3 (b) A manufacturer that ships or transports a [handgun] FIREARM for sale,
4 rental, or transfer in the State shall include in the box with the [handgun] FIREARM
5 in a separate, sealed container:

6 (1) a shell casing of a projectile discharged from the [handgun]
7 FIREARM; and

8 (2) additional information that the Secretary requires to identify the
9 type of [handgun] FIREARM and shell casing.

10 (c) (1) On receipt of a [handgun] FIREARM from a manufacturer, the dealer
11 shall confirm to the Department of State Police that the manufacturer has complied
12 with subsection (b) of this section.

13 (2) On the sale, rental, or transfer of the [handgun] FIREARM, the
14 dealer shall forward the sealed container to the Department of State Police Crime
15 Laboratory.

16 (d) On receipt of a shell casing and information as required in subsection (b) of
17 this section, the Department of State Police Crime Laboratory shall enter the
18 information in each relevant database.

19 5-143.

20 (a) Except as otherwise provided in this subtitle, a dealer or other person may
21 not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or
22 receipt of a regulated firearm in violation of this subtitle OR IN VIOLATION OF § 5-131
23 OF THIS SUBTITLE.

24 (b) A person who violates this section is guilty of a misdemeanor and on
25 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
26 \$10,000 or both.

27 (c) Each violation of this section is a separate crime.

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

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