E4 5lr0554

By: Delegates Niemann, Menes, Frush, Moe, Benson, Conroy, D. Davis,

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Introduced and read first time: January 26, 2005

Assigned to: Judiciary

A BILL ENTITLED

	ΔN	Δ ("I"	concerning
1	$\Delta \mathbf{M} \mathbf{A}$	Λ CI	Concerning

2 Gun Shops - Security Requirements for Regulated Firearms

- 3 FOR the purpose of requiring an applicant for a State regulated firearms dealer's
- 4 license to provide evidence satisfactory to the Secretary of State Police that the
- 5 applicant's proposed place of business has certain security features; requiring a
- 6 licensee to take certain security measures during nonbusiness hours and when
- 7 the structure is not occupied; allowing certain licensees to comply with the
- 8 security requirements on or before a certain date; modifying the threshold
- 9 amount of time spent in a certain medical institution that requires the Secretary
- of State Police to revoke a dealer's license under certain circumstances;
- providing certain penalties; creating a certain exception; requiring that a
- 12 certain suspension or revocation be stayed under certain circumstances; and
- generally relating to regulated firearms dealers and regulated firearms.
- 14 BY adding to
- 15 Article Public Safety
- 16 Section 5-109.1
- 17 Annotated Code of Maryland
- 18 (2003 Volume and 2004 Supplement)
- 19 BY repealing and reenacting, with amendments,
- 20 Article Public Safety
- 21 Section 5-114
- 22 Annotated Code of Maryland
- 23 (2003 Volume and 2004 Supplement)
- 24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 25 MARYLAND, That the Laws of Maryland read as follows:

1	Article - Public Safety					
2	5-109.1.					
	THE APPLICANT S	HALL PF	ECRETARY ISSUES A DEALER'S LICENSE TO AN APPLICANT, ROVIDE EVIDENCE SATISFACTORY TO THE SECRETARY ROPOSED PLACE OF BUSINESS HAS:			
6	(1)	A VAU	LT OR SAFE THAT:			
7		(I)	IS AT LEAST 50 INCHES TALL;			
8		(II)	IS AT LEAST 20 INCHES WIDE;			
9 10	ATTACHED TO TH	(III) E STRU	WEIGHS OVER 250 POUNDS OR IS BOLTED OR PERMANENTLY CTURE;			
11		(IV)	HAS A SOLID DOOR WITH 1-INCH LOCKING PINS; AND			
12 13	SECURITY CONTA	(V) JNER RA	MEETS THE UNDERWRITERS LABORATORIES RESIDENTIAL ATING;			
14	(2)	3/8 INC	H THICK BRAIDED CABLES WITH RUBBER JACKETS THAT:			
15 16	STRUCTURE;	(I)	ATTACH TO A FRAME OR SECURING POINTS ATTACHED TO THE			
17		(II)	HAVE KEY LOCKS; AND			
	OTHER THAN HAN BUSINESS; AND	(III) NDGUNS	ARE SUFFICIENT TO SECURE ALL REGULATED FIREARMS TO BE OFFERED FOR SALE AT THE PROPOSED PLACE OF			
	21 (3) A MONITORED SECURITY SYSTEM THAT WILL NOTIFY A SECURITY 22 MONITORING SERVICE TO NOTIFY THE POLICE IMMEDIATELY OF ANY INTRUSION 23 INTO THE PROPOSED PLACE OF BUSINESS.					
24 25	(B) (1) LICENSEE SHALL:		T AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE			
	VAULT DESCRIBE HOURS;	(I) D IN SU	STORE ALL REGULATED FIREARMS THAT ARE HANDGUNS IN A BSECTION (A)(1) OF THIS SECTION DURING NONBUSINESS			
29 30	HANDGUNS:	(II)	SECURE ALL REGULATED FIREARMS THAT ARE NOT			
31	THIS SECTION DI	DING NO	1. WITH A CABLE LOCK DESCRIBED IN SUBSECTION (A)(2) OF			

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1 2	IN SUBSECTION	(A)(1) OF	2. BY LOCKING THEM INSIDE A VAULT OR SAFE DESCRIBED THIS SECTION; AND		
3	(A)(3) OF THIS SI	(III) ECTION W	ACTIVATE A SECURITY SYSTEM DESCRIBED IN SUBSECTION HEN THE STRUCTURE IS NOT OCCUPIED.		
	(2) OCTOBER 1, 2005 2006.		SON WHO HOLDS A DEALER'S LICENSE ON OR BEFORE COMPLY WITH THIS SUBSECTION ON OR BEFORE JULY 1,		
8	5-114.				
9	(a) The S	Secretary sh	all suspend a dealer's license if the licensee:		
10	(1)	is under	indictment for a crime of violence; or		
11 12	(2) or possession of a		ed for a violation of this subtitle that prohibits the purchase rearm.		
13	(b) The S	Secretary sh	all revoke a dealer's license if:		
14 15	()		covered that false information has been supplied or false an application required by this subtitle; or		
16	(2)	the licer	nsee:		
17		(i)	is convicted of a disqualifying crime;		
18 19	receives a term of	(ii) imprisonme	is convicted of a violation classified as a common law crime and ent of more than 2 years;		
20		(iii)	is a fugitive from justice;		
21		(iv)	is a habitual drunkard;		
22 23	user;	(v)	is addicted to a controlled dangerous substance or is a habitual		
26 27	(vi) has spent more than [30] 7 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;				
29 30	a handgun not on t	(vii) he handgun	has knowingly or willfully manufactured, offered to sell, or sold roster in violation of § 5-406 of this title; or		
31 32	regulated firearm.	(viii)	has knowingly or willfully participated in a straw purchase of a		

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- 1 (c) (1) SUBJECT TO THE HEARING RIGHTS OF § 5-115 OF THIS SUBTITLE,
- $2\,$ THE SECRETARY MAY DENY A DEALER'S LICENSE TO ANY APPLICANT OR SUSPEND
- 3 OR REVOKE A DEALER'S LICENSE IF THE APPLICANT OR LICENSEE VIOLATES §
- 4 5-109.1 OF THIS SUBTITLE.
- 5 (2) ANY SUSPENSION OR REVOCATION UNDER THIS SUBSECTION SHALL 6 BE STAYED PENDING ANY HEARING HELD UNDER § 5-115 OF THIS SUBTITLE.
- 7 (D) If the Secretary suspends or revokes a dealer's license, the Secretary shall 8 notify the licensee in writing of the suspension or revocation.
- 9 [(d)] (E) A person whose dealer's license is suspended or revoked may not
- 10 engage in the business of selling, renting, or transferring regulated firearms, unless
- 11 the suspension or revocation has been subsequently withdrawn by the Secretary or
- 12 overruled by a court in accordance with § 5-116 of this subtitle.
- 13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 14 October 1, 2005.