
By: **Delegates Quinter, Anderson, Barkley, Barve, Benson, Bobo, Branch, Bronrott, Burns, Cardin, Carter, Conroy, D. Davis, Doory, Dumais, Feldman, Franchot, Frush, Gaines, Goldwater, Goodwin, Gordon, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Hurson, Jones, Kaiser, Kelley, King, Kirk, Krysiak, Lee, Madaleno, Mandel, Marriott, McHale, McIntosh, Menes, Moe, Montgomery, Morhaim, Murray, Nathan-Pulliam, Niemann, Oaks, Paige, Parker, Patterson, Petzold, Ramirez, Rosenberg, Ross, Simmons, Stern, Taylor, F. Turner, V. Turner, Vaughn, and Zirkin**

Introduced and read first time: February 10, 2005
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Assault Weapons Ban of 2005**

3 FOR the purpose of designating certain firearms as assault weapons; prohibiting with
4 certain exceptions a person from transporting an assault weapon into the State
5 or possessing, selling, offering to sell, transferring, purchasing, or receiving an
6 assault weapon; requiring the Handgun Roster Board to compile and maintain a
7 roster of prohibited assault weapons; requiring the Board to have the roster of
8 prohibited assault weapons published in the Maryland Register at certain times
9 and to send copies of the roster to certain persons; designating assault long guns
10 and copycat weapons as types of assault weapons; authorizing certain licensed
11 firearms dealers to continue to possess, sell, offer for sale, or transfer assault
12 long guns or copycat weapons under certain circumstances; authorizing certain
13 persons to continue to possess assault long guns or copycat weapons under
14 certain circumstances; authorizing a procedure by which a person may petition
15 the Board to remove a copycat weapon from the roster of prohibited assault
16 weapons; requiring the Board to hold a hearing under certain circumstances;
17 making it a misdemeanor to use an assault long gun or a copycat weapon in the
18 commission of a felony or a crime of violence; providing certain penalties;
19 requiring that certain firearms be lawfully possessed on or before a certain date
20 in order for them to qualify as regulated firearms for certain purposes; defining
21 certain terms; and generally relating to assault weapons.

22 BY repealing and reenacting, with amendments,
23 Article - Criminal Law
24 Section 4-301 through 4-306 to be under the amended subtitle "Subtitle 3.
25 Assault Weapons and Detachable Magazines"
26 Annotated Code of Maryland

1 (2002 Volume and 2004 Supplement)

2 BY adding to

3 Article - Criminal Law

4 Section 4-305 and 4-306

5 Annotated Code of Maryland

6 (2002 Volume and 2004 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Public Safety

9 Section 5-101(p)

10 Annotated Code of Maryland

11 (2003 Volume and 2004 Supplement)

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

14 **Article - Criminal Law**

15 Subtitle 3. Assault [Pistols] WEAPONS and Detachable Magazines.

16 4-301.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "ASSAULT LONG GUN" MEANS ANY ASSAULT WEAPON LISTED UNDER §
20 5-101(P)(2)(II) OF THE PUBLIC SAFETY ARTICLE.

21 (C) [In this subtitle, "assault" "ASSAULT pistol" means any of the following
22 firearms [or a copy regardless of the producer or manufacturer]:

23 (1) AA Arms AP-9 semiautomatic pistol;

24 (2) Bushmaster semiautomatic pistol;

25 (3) Claridge HI-TEC semiautomatic pistol;

26 (4) D Max Industries semiautomatic pistol;

27 (5) Encom MK-IV, MP-9, or MP-45 semiautomatic pistol;

28 (6) Heckler and Koch semiautomatic SP-89 pistol;

29 (7) Holmes MP-83 semiautomatic pistol;

30 (8) Ingram MAC 10/11 semiautomatic pistol and variations including the
31 Partisan Avenger and the SWD Cobray;

1 (9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire
2 variation;

3 (10) P.A.W.S. type semiautomatic pistol;

4 (11) Skorpion semiautomatic pistol;

5 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

6 (13) UZI semiautomatic pistol;

7 (14) Weaver Arms semiautomatic Nighthawk pistol; or

8 (15) Wilkinson semiautomatic "Linda" pistol.

9 (D) "ASSAULT WEAPON" MEANS:

10 (1) AN ASSAULT LONG GUN;

11 (2) AN ASSAULT PISTOL; OR

12 (3) A COPYCAT WEAPON.

13 (E) "BOARD" MEANS THE HANDGUN ROSTER BOARD ESTABLISHED UNDER §
14 5-302 OF THE PUBLIC SAFETY ARTICLE.

15 (F) (1) "COPYCAT WEAPON" MEANS:

16 (I) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT CAN ACCEPT A
17 DETACHABLE MAGAZINE AND ANY OF THE FOLLOWING:

18 1. A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY
19 BENEATH THE ACTION OF THE WEAPON;

20 2. A THUMBHOLE STOCK;

21 3. A FOLDING OR TELESCOPING STOCK;

22 4. A GRENADE LAUNCHER OR FLARE LAUNCHER;

23 5. A FLASH SUPPRESSOR; OR

24 6. A FORWARD PISTOL GRIP;

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

27 (III) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS AN OVERALL
28 LENGTH OF LESS THAN 30 INCHES;

29 (IV) A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A DETACHABLE
30 MAGAZINE AND ANY OF THE FOLLOWING:

1 1. A THREADED BARREL, CAPABLE OF ACCEPTING A FLASH
2 SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;

3 2. A SECOND HANDGRIP;

4 3. A SHROUD THAT IS ATTACHED TO OR PARTIALLY OR
5 COMPLETELY ENCIRCLES THE BARREL, EXCEPT FOR A SLIDE THAT ENCLOSES THE
6 BARREL, THAT ALLOWS THE BEARER TO FIRE THE WEAPON WITHOUT BURNING THE
7 BEARER'S HAND; OR

8 4. THE CAPACITY TO ACCEPT A DETACHABLE MAGAZINE
9 OUTSIDE OF THE PISTOL GRIP;

10 (V) A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE THAT CAN
11 ACCEPT MORE THAN 10 ROUNDS;

12 (VI) A SEMIAUTOMATIC SHOTGUN THAT HAS BOTH OF THE
13 FOLLOWING:

14 1. A FOLDING OR TELESCOPING STOCK; AND

15 2. A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY
16 BENEATH THE ACTION OF THE WEAPON, THUMBHOLE STOCK, OR VERTICAL
17 HANDGRIP; OR

18 (VII) ANY SHOTGUN WITH A REVOLVING CYLINDER.

19 (2) "COPYCAT WEAPON" DOES NOT INCLUDE AN ASSAULT LONG GUN OR
20 AN ASSAULT PISTOL.

21 (G) "DETACHABLE MAGAZINE" MEANS ANY AMMUNITION FEEDING DEVICE
22 THAT CAN BE REMOVED READILY FROM THE FIREARM WITHOUT REQUIRING
23 DISASSEMBLY OF THE FIREARM ACTION OR WITHOUT THE USE OF A TOOL,
24 INCLUDING A BULLET OR CARTRIDGE.

25 (H) "LICENSED FIREARMS DEALER" MEANS A PERSON WHO HOLDS A
26 DEALER'S LICENSE UNDER TITLE 5, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

27 (I) "FLASH SUPPRESSOR" MEANS ANY DEVICE THAT IS INTENDED TO OR THAT
28 FUNCTIONS TO PERCEPTIBLY REDUCE OR REDIRECT MUZZLE FLASH FROM THE
29 SHOOTER'S FIELD OF VISION.

30 (J) "FORWARD PISTOL GRIP" MEANS A GRIP THAT ALLOWS FOR A
31 PISTOL-STYLE GRASP FORWARD OF THE TRIGGER.

32 (K) "PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION
33 OF THE WEAPON" MEANS A GRIP THAT ALLOWS FOR A PISTOL-STYLE GRASP IN
34 WHICH THE WEB OF THE TRIGGER HAND BETWEEN THE THUMB AND INDEX FINGER
35 CAN BE PLACED BELOW THE TOP OF THE EXPOSED PORTION OF THE TRIGGER WHILE
36 FIRING.

1 (L) "THUMBHOLE STOCK" MEANS A STOCK WITH A HOLE THAT ALLOWS THE
2 THUMB OF THE TRIGGER HAND TO PENETRATE INTO OR THROUGH THE STOCK
3 WHILE FIRING.

4 4-302.

5 This subtitle does not apply to:

6 (1) if acting within the scope of official business, personnel of the United
7 States government or a unit of that government, members of the armed forces of the
8 United States or of the National Guard, or law enforcement personnel of the State or
9 a local unit in the State;

10 (2) a firearm modified to render it permanently inoperative;

11 (3) purchases, sales, and transport to or by a licensed firearms dealer or
12 manufacturer who is:

13 (i) providing or servicing an assault [pistol] WEAPON or
14 detachable magazine for a law enforcement unit or for personnel exempted under
15 item (1) of this section; or

16 (ii) acting to sell or transfer an assault [pistol] WEAPON or
17 detachable magazine to a licensed firearm dealer in another state;

18 (4) organizations that are required or authorized by federal law
19 governing their specific business or activity to maintain assault [pistols] WEAPONS
20 and applicable ammunition and detachable magazines;

21 (5) the receipt of an assault [pistol] WEAPON or detachable magazine by
22 inheritance if the decedent lawfully possessed the assault [pistol] WEAPON; or

23 (6) the receipt of an assault [pistol] WEAPON or detachable magazine by
24 a personal representative of an estate for purposes of exercising the powers and
25 duties of a personal representative of an estate.

26 4-303.

27 (a) Except as provided in subsection (b) of this section, a person may not:

28 (1) transport an assault [pistol] WEAPON into the State; or

29 (2) possess, sell, offer to sell, transfer, purchase, or receive an assault
30 [pistol] WEAPON.

31 (b) (1) A person who lawfully possessed an assault pistol before June 1, 1994
32 and who registered the assault pistol with the Secretary of [the] State Police before
33 August 1, 1994 may continue to possess the assault pistol.

34 (2) A LICENSED FIREARMS DEALER MAY CONTINUE TO POSSESS, SELL,
35 OFFER FOR SALE, OR TRANSFER AN ASSAULT LONG GUN OR COPYCAT WEAPON THAT

1 THE LICENSED FIREARMS DEALER LAWFULLY POSSESSED ON OR BEFORE OCTOBER
2 1, 2005.

3 (3) A PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG GUN OR
4 COPYCAT WEAPON BEFORE OCTOBER 1, 2005, AND WHO REGISTERS THE ASSAULT
5 LONG GUN OR COPYCAT WEAPON WITH THE SECRETARY OF STATE POLICE BEFORE
6 DECEMBER 1, 2005, MAY CONTINUE TO POSSESS THE ASSAULT LONG GUN OR
7 COPYCAT WEAPON.

8 4-304.

9 A law enforcement unit may seize as contraband and dispose of according to
10 regulation an assault [pistol] WEAPON transported, sold, transferred, purchased,
11 received, or possessed in violation of this subtitle.

12 4-305.

13 (A) THE BOARD SHALL COMPILE AND MAINTAIN A ROSTER OF PROHIBITED
14 ASSAULT WEAPONS.

15 (B) BEGINNING NOT LATER THAN JULY 1, 2006, AND EVERY 6 MONTHS
16 THEREAFTER, THE BOARD SHALL HAVE THE ROSTER OF PROHIBITED ASSAULT
17 WEAPONS PUBLISHED IN THE MARYLAND REGISTER AND SHALL SEND A COPY OF
18 THE ROSTER TO ALL LICENSED FIREARMS DEALERS.

19 4-306.

20 (A) A PERSON MAY PETITION THE BOARD TO REMOVE A COPYCAT WEAPON
21 FROM THE ROSTER OF PROHIBITED ASSAULT WEAPONS IN ACCORDANCE WITH THIS
22 SECTION AND TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

23 (B) A PETITION SHALL BE SUBMITTED IN WRITING IN THE FORM THAT THE
24 BOARD REQUIRES.

25 (C) A PETITIONER HAS THE BURDEN OF PROVING TO THE BOARD THAT THE
26 COPYCAT WEAPON DOES NOT MEET THE DEFINITIONAL REQUIREMENTS OF §
27 4-301(F) OF THIS SUBTITLE.

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

29 (I) DENY THE PETITION AND STATE THE REASONS FOR THE
30 DENIAL; OR

31 (II) APPROVE THE PETITION IF THE FIREARM IS DETERMINED BY
32 THE BOARD TO NOT QUALIFY AS A COPYCAT WEAPON, REMOVE THE FIREARM FROM
33 THE ROSTER OF PROHIBITED ASSAULT WEAPONS, AND HAVE PUBLISHED IN THE
34 MARYLAND REGISTER:

35 1. A DESCRIPTION OF THE FIREARM; AND

1 (3) (i) For each subsequent violation, the person shall be sentenced to
2 imprisonment for not less than 10 years and not exceeding 20 years.

3 (ii) The court may not impose less than the minimum sentence of
4 10 years.

5 (iii) A sentence imposed under this paragraph shall be consecutive
6 to and not concurrent with any other sentence imposed for the felony or crime of
7 violence.

8 (C) (1) A PERSON WHO USES AN ASSAULT LONG GUN OR A COPYCAT
9 WEAPON IN THE COMMISSION OF A FELONY OR A CRIME OF VIOLENCE AS DEFINED
10 IN § 5-101 OF THE PUBLIC SAFETY ARTICLE IS GUILTY OF A MISDEMEANOR AND ON
11 CONVICTION, IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR THE FELONY OR
12 CRIME OF VIOLENCE, SHALL BE SENTENCED UNDER THIS SUBSECTION.

13 (2) FOR A FIRST VIOLATION, THE PERSON SHALL BE SENTENCED TO
14 IMPRISONMENT NOT EXCEEDING 20 YEARS.

15 (3) (I) FOR EACH SUBSEQUENT VIOLATION, THE PERSON SHALL BE
16 SENTENCED TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

17 (II) A SENTENCE IMPOSED UNDER THIS PARAGRAPH SHALL BE
18 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
19 FOR THE FELONY OR CRIME OF VIOLENCE.

20 **Article - Public Safety**

21 5-101.

22 (p) "Regulated firearm" means:

23 (1) a handgun; or

24 (2) a firearm that:

25 (I) IS LAWFULLY POSSESSED BY A LICENSED FIREARMS DEALER
26 ON OR BEFORE OCTOBER 1, 2005, AND WHICH MAY BE LAWFULLY POSSESSED, SOLD,
27 OFFERED FOR SALE, OR TRANSFERRED BY THE LICENSED FIREARMS DEALER UNDER
28 § 4-303 OF THE CRIMINAL LAW ARTICLE; AND

29 (II) is any of the following specific assault weapons [or their
30 copies], regardless of which company produced and manufactured that assault
31 weapon:

32 [(i)] 1. American Arms Spectre da Semiautomatic carbine;

33 [(ii)] 2. AK-47 in all forms;

34 [(iii)] 3. Algimec AGM-1 type semi-auto;

- 1 [(iv)] 4. AR 100 type semi-auto;
- 2 [(v)] 5. AR 180 type semi-auto;
- 3 [(vi)] 6. Argentine L.S.R. semi-auto;
- 4 [(vii)] 7. Australian Automatic Arms SAR type semi-auto;
- 5 [(viii)] 8. Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- 6 [(ix)] 9. Barrett light .50 cal. semi-auto;
- 7 [(x)] 10. Beretta AR70 type semi-auto;
- 8 [(xi)] 11. Bushmaster semi-auto rifle;
- 9 [(xii)] 12. Calico models M-100 and M-900;
- 10 [(xiii)] 13. CIS SR 88 type semi-auto;
- 11 [(xiv)] 14. Claridge HI TEC C-9 carbines;
- 12 [(xv)] 15. Colt AR-15, CAR-15, and all imitations except Colt AR-15
13 Sporter H-BAR rifle;
- 14 [(xvi)] 16. Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and
15 K-2;
- 16 [(xvii)] 17. Dragunov Chinese made semi-auto;
- 17 [(xviii)] 18. Famas semi-auto (.223 caliber);
- 18 [(xix)] 19. Feather AT-9 semi-auto;
- 19 [(xx)] 20. FN LAR and FN FAL assault rifle;
- 20 [(xxi)] 21. FNC semi-auto type carbine;
- 21 [(xxii)] 22. F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 22 [(xxiii)] 23. Steyr-AUG-SA semi-auto;
- 23 [(xxiv)] 24. Galil models AR and ARM semi-auto;
- 24 [(xxv)] 25. Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and
25 A3;
- 26 [(xxvi)] 26. Holmes model 88 shotgun;
- 27 [(xxvii)] 27. Avtomat Kalashnikov semiautomatic rifle in any
28 format;

- 1 [(xxviii)] 28. Manchester Arms "Commando" MK-45, MK-9;
- 2 [(xxix)] 29. Mandell TAC-1 semi-auto carbine;
- 3 [(xxx)] 30. Mossberg model 500 Bullpup assault shotgun;
- 4 [(xxxi)] 31. Sterling Mark 6;
- 5 [(xxxii)] 32. P.A.W.S. carbine;
- 6 [(xxxiii)] 33. Ruger mini-14 folding stock model (.223 caliber);
- 7 [(xxxiv)] 34. SIG 550/551 assault rifle (.223 caliber);
- 8 [(xxxv)] 35. SKS with detachable magazine;
- 9 [(xxxvi)] 36. AP-74 Commando type semi-auto;
- 10 [(xxxvii)] 37. Springfield Armory BM-59, SAR-48, G3, SAR-3,
11 M-21 sniper rifle, M1A, excluding the M1 Garand;
- 12 [(xxxviii)] 38. Street sweeper assault type shotgun;
- 13 [(xxxix)] 39. Striker 12 assault shotgun in all formats;
- 14 [(xl)] 40. Unique F11 semi-auto type;
- 15 [(xli)] 41. Daewoo USAS 12 semi-auto shotgun;
- 16 [(xlii)] 42. UZI 9mm carbine or rifle;
- 17 [(xliii)] 43. Valmet M-76 and M-78 semi-auto;
- 18 [(xliv)] 44. Weaver Arms "Nighthawk" semi-auto carbine; or
- 19 [(xlv)] 45. Wilkinson Arms 9mm semi-auto "Terry".

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 2005.