

(PRE-FILED)

By: **Delegate Smigiel**
Requested: August 2, 2005
Introduced and read first time: January 11, 2006
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Repeal of Procedure on Shell Casing Information - Timing of Report on**
3 **Personalized Handgun Technology**

4 FOR the purpose of repealing a certain provision that establishes a certain procedure
5 for the collection and reporting of certain handgun shell casing information;
6 requiring the Handgun Roster Board to report on the status of certain
7 personalized handgun technology once every 3 years instead of annually; and
8 generally relating to handgun identification.

9 BY repealing
10 Article - Public Safety
11 Section 5-131
12 Annotated Code of Maryland
13 (2003 Volume and 2005 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Public Safety
16 Section 5-132
17 Annotated Code of Maryland
18 (2003 Volume and 2005 Supplement)

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

21 **Article - Public Safety**

22 [5-131.

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

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

1 (3) "Projectile" means the part of handgun ammunition that is expelled
2 through the barrel of the handgun by an explosion.

3 (4) "Shell casing" means the part of handgun ammunition that contains
4 the primer and propellant powder to discharge the projectile.

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

8 (1) a shell casing of a projectile discharged from the handgun; and

9 (2) additional information that the Secretary requires to identify the
10 type of handgun and shell casing.

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

14 (2) On the sale, rental, or transfer of the handgun, the dealer shall
15 forward the sealed container to the Department of State Police Crime 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 5-132.

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

21 (2) "Authorized user" means the owner of a handgun or a person
22 authorized by the owner to possess and use the handgun.

23 (3) "External safety lock" means an external device that is:

24 (i) attached to a handgun with a key or combination lock; and

25 (ii) designed to prevent a handgun from being discharged unless
26 the device has been deactivated.

27 (4) "Handgun" does not include a signal, starter, or blank pistol.

28 (5) "Handgun Roster Board" means the Handgun Roster Board
29 established under § 5-404 of this title.

30 (6) "Integrated mechanical safety device" means a disabling or locking
31 device that is:

32 (i) built into a handgun; and

1 (ii) designed to prevent the handgun from being discharged unless
2 the device has been deactivated.

3 (7) "Personalized handgun" means a handgun manufactured with
4 incorporated design technology that:

5 (i) allows the handgun to be fired only by the authorized user; and

6 (ii) prevents any of the safety characteristics of the handgun from
7 being readily deactivated.

8 (b) This section does not apply to:

9 (1) the purchase, sale, or transportation of a handgun to or by a federally
10 licensed gun dealer or manufacturer that provides or services a handgun for:

11 (i) personnel of any unit of the federal government;

12 (ii) members of the armed forces of the United States or the
13 National Guard;

14 (iii) law enforcement personnel of the State or any local law
15 enforcement agency in the State while acting within the scope of their official duties;
16 and

17 (iv) an organization that is required by federal law governing its
18 specific business or activity to maintain handguns and applicable ammunition;

19 (2) a firearm modified to be permanently inoperative;

20 (3) the sale or transfer of a handgun by a federally licensed gun dealer or
21 manufacturer covered under item (1) of this subsection;

22 (4) the sale or transfer of a handgun by a federally licensed gun dealer or
23 manufacturer to a lawful customer outside the State; or

24 (5) an antique firearm.

25 (c) (1) A dealer may not sell, offer for sale, rent, or transfer in the State a
26 handgun manufactured on or before December 31, 2002, unless the handgun is sold,
27 offered for sale, rented, or transferred with an external safety lock.

28 (2) On or after January 1, 2003, a dealer may not sell, offer for sale, rent,
29 or transfer in the State a handgun manufactured on or after January 1, 2003, unless
30 the handgun has an integrated mechanical safety device.

31 (d) (1) The Handgun Roster Board [annually] ONCE EVERY 3 YEARS shall:

32 (i) review the status of personalized handgun technology; and

1 (ii) on or before July 1, report its findings to the Governor and, in
2 accordance with § 2-1246 of the State Government Article, to the General Assembly.

3 (2) In reviewing the status of personalized handgun technology under
4 paragraph (1) of this subsection, the Handgun Roster Board shall consider:

5 (i) the number and variety of models and calibers of personalized
6 handguns that are available for sale;

7 (ii) each study, analysis, or other evaluation of personalized
8 handguns conducted or commissioned by:

- 9 1. the National Institute of Justice;
- 10 2. a federal, State, or local law enforcement laboratory; or
- 11 3. any other entity with an expertise in handgun technology;
- 12 and

13 (iii) any other information that the Handgun Roster Board
14 considers relevant.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2006.