

(PRE-FILED)

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

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A BILL ENTITLED

1 AN ACT concerning

2 **Handgun Safety Devices - Repeal**

3 FOR the purpose of repealing the prohibition against a dealer selling, offering for  
4 sale, renting, or transferring in the State certain handguns unless the handguns  
5 are equipped with certain safety devices; repealing certain requirements  
6 imposed on the Handgun Roster Board, including a requirement that the Board  
7 conduct an annual review of personalized handgun technology; and generally  
8 relating to handgun safety devices.

9 BY repealing  
10 Article - Public Safety  
11 Section 5-132  
12 Annotated Code of Maryland  
13 (2003 Volume and 2005 Supplement)

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

16 **Article - Public Safety**

17 [5-132.

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

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

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

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

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

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

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

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

5 (i) built into a handgun; and

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

8 (7) "Personalized handgun" means a handgun manufactured with  
9 incorporated design technology that:

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

11 (ii) prevents any of the safety characteristics of the handgun from  
12 being readily deactivated.

13 (b) This section does not apply to:

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

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

17 (ii) members of the armed forces of the United States or the  
18 National Guard;

19 (iii) law enforcement personnel of the State or any local law  
20 enforcement agency in the State while acting within the scope of their official duties;  
21 and

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

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

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

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

29 (5) an antique firearm.

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

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

4       (d)     (1)     The Handgun Roster Board annually shall:

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

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

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

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

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

14                           1.     the National Institute of Justice;

15                           2.     a federal, State, or local law enforcement laboratory; or

16                           3.     any other entity with an expertise in handgun technology;  
17 and

18                   (iii)    any other information that the Handgun Roster Board  
19 considers relevant.]

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