

HOUSE BILL 1378

E4

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By: **Delegates Ivey, Ali, Glenn, Mizeur, Rosenberg, and V. Turner**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Possession and Sale of Ammunition for Regulated Firearms –**
3 **Penalties**

4 FOR the purpose of prohibiting a person from possessing ammunition solely designed
5 for a certain regulated firearm if the person was previously convicted of certain
6 crimes, does not have a firearm application approved by the Secretary of State
7 Police or the Secretary’s designee, and is not exempted from the requirements of
8 a regulated firearm application; raising the penalty for the offense of a person
9 under a certain age possessing ammunition solely designed for a regulated
10 firearm, with certain exceptions; prohibiting a certain dealer or other person
11 from selling, renting, or transferring ammunition solely designed for a certain
12 regulated firearm to a purchaser, lessee, or transferee who was previously
13 convicted of certain crimes, does not have a firearm application approved by the
14 Secretary of State Police or the Secretary’s designee, and is not exempted from
15 the requirements of a regulated firearm application; raising the penalty for the
16 offense of a person selling, renting, or transferring certain ammunition to a
17 person under a certain age, with certain exceptions; providing penalties for a
18 violation of this Act; providing that this Act supersedes any restriction that a
19 local jurisdiction in the State imposes on the possession or transfer by a private
20 party of ammunition solely designed for a regulated firearm, and the State
21 preempts the right of any local jurisdiction to regulate the possession or transfer
22 of ammunition solely designed for a regulated firearm; making certain
23 conforming changes; and generally relating to the possession and sale of
24 ammunition for regulated firearms.

25 BY repealing and reenacting, without amendments,
26 Article – Public Safety
27 Section 5–101(p)
28 Annotated Code of Maryland
29 (2003 Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 5–133(d) and 5–134(d)
4 Annotated Code of Maryland
5 (2003 Volume and 2007 Supplement)

6 BY adding to
7 Article – Public Safety
8 Section 5–133.1 and 5–134.1
9 Annotated Code of Maryland
10 (2003 Volume and 2007 Supplement)

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

13 **Article – Public Safety**

14 5–101.

15 (p) “Regulated firearm” means:

16 (1) a handgun; or

17 (2) a firearm that is any of the following specific assault weapons or
18 their copies, regardless of which company produced and manufactured that assault
19 weapon:

20 (i) American Arms Spectre da Semiautomatic carbine;

21 (ii) AK–47 in all forms;

22 (iii) Algimec AGM–1 type semi–auto;

23 (iv) AR 100 type semi–auto;

24 (v) AR 180 type semi–auto;

25 (vi) Argentine L.S.R. semi–auto;

26 (vii) Australian Automatic Arms SAR type semi–auto;

27 (viii) Auto–Ordnance Thompson M1 and 1927 semi–automatics;

28 (ix) Barrett light .50 cal. semi–auto;

29 (x) Beretta AR70 type semi–auto;

30 (xi) Bushmaster semi–auto rifle;

- 1 (xii) Calico models M-100 and M-900;
- 2 (xiii) CIS SR 88 type semi-auto;
- 3 (xiv) Claridge HI TEC C-9 carbines;
- 4 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15
5 Sporter H-BAR rifle;
- 6 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and
7 K-2;
- 8 (xvii) Dragunov Chinese made semi-auto;
- 9 (xviii) Famas semi-auto (.223 caliber);
- 10 (xix) Feather AT-9 semi-auto;
- 11 (xx) FN LAR and FN FAL assault rifle;
- 12 (xxi) FNC semi-auto type carbine;
- 13 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 14 (xxiii) Steyr-AUG-SA semi-auto;
- 15 (xxiv) Galil models AR and ARM semi-auto;
- 16 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 17 (xxvi) Holmes model 88 shotgun;
- 18 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- 19 (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- 20 (xxix) Mandell TAC-1 semi-auto carbine;
- 21 (xxx) Mossberg model 500 Bullpup assault shotgun;
- 22 (xxxi) Sterling Mark 6;
- 23 (xxxii) P.A.W.S. carbine;
- 24 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- 25 (xxxiv) SIG 550/551 assault rifle (.223 caliber);

- 1 (xxxv) SKS with detachable magazine;
- 2 (xxxvi) AP-74 Commando type semi-auto;
- 3 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3,
4 M-21 sniper rifle, M1A, excluding the M1 Garand;
- 5 (xxxviii) Street sweeper assault type shotgun;
- 6 (xxxix) Striker 12 assault shotgun in all formats;
- 7 (xl) Unique F11 semi-auto type;
- 8 (xli) Daewoo USAS 12 semi-auto shotgun;
- 9 (xlii) UZI 9mm carbine or rifle;
- 10 (xliii) Valmet M-76 and M-78 semi-auto;
- 11 (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- 12 (xlv) Wilkinson Arms 9mm semi-auto "Terry".

13 5-133.

14 (d) (1) Except as provided in paragraph (2) of this subsection, a person
15 who is under the age of 21 years may not possess a regulated firearm [or ammunition
16 solely designed for a regulated firearm].

17 (2) Unless a person is otherwise prohibited from possessing a
18 regulated firearm, this subsection does not apply to:

19 (i) the temporary transfer or possession of a regulated firearm
20 [or ammunition solely designed for a regulated firearm] if the person is:

21 1. under the supervision of another who is at least 21
22 years old and who is not prohibited by State or federal law from possessing a firearm;
23 and

24 2. acting with the permission of the parent or legal
25 guardian of the transferee or person in possession;

26 (ii) the transfer by inheritance of title, and not of possession, of
27 a regulated firearm;

1 (iii) a member of the armed forces of the United States or the
2 National Guard while performing official duties;

3 (iv) the temporary transfer or possession of a regulated firearm
4 [or ammunition solely designed for a regulated firearm] if the person is:

5 1. participating in marksmanship training of a
6 recognized organization; and

7 2. under the supervision of a qualified instructor;

8 (v) a person who is required to possess a regulated firearm for
9 employment and who holds a permit under Subtitle 3 of this title; or

10 (vi) the possession of a firearm [or ammunition] for self-defense
11 or the defense of others against a trespasser into the residence of the person in
12 possession or into a residence in which the person in possession is an invited guest.

13 **5-133.1.**

14 (A) THIS SECTION SUPERSEDES ANY RESTRICTION THAT A LOCAL
15 JURISDICTION IN THE STATE IMPOSES ON THE POSSESSION BY A PRIVATE
16 PARTY OF AMMUNITION FOR A REGULATED FIREARM, AND THE STATE
17 PREEMPTS THE RIGHT OF ANY LOCAL JURISDICTION TO REGULATE THE
18 POSSESSION OF AMMUNITION FOR A REGULATED FIREARM.

19 (B) A PERSON MAY NOT POSSESS AMMUNITION SOLELY DESIGNED FOR
20 A REGULATED FIREARM IF THE PERSON:

21 (1) WAS PREVIOUSLY CONVICTED OF:

22 (I) A CRIME OF VIOLENCE; OR

23 (II) A VIOLATION OF § 5-602, § 5-603, § 5-604, § 5-605, §
24 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR § 5-614 OF THE
25 CRIMINAL LAW ARTICLE; OR

26 (2) DOES NOT HAVE A FIREARM APPLICATION APPROVED BY THE
27 SECRETARY AND IS NOT EXEMPTED FROM THE REQUIREMENTS OF A FIREARM
28 APPLICATION IN ACCORDANCE WITH THIS SUBTITLE.

29 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
30 SUBSECTION, A PERSON WHO IS UNDER THE AGE OF 21 YEARS MAY NOT
31 POSSESS AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM.

1 **(2) UNLESS A PERSON IS OTHERWISE PROHIBITED FROM**
2 **POSSESSING AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM,**
3 **THIS SUBSECTION DOES NOT APPLY TO:**

4 **(I) THE TEMPORARY TRANSFER OR POSSESSION OF**
5 **AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM IF THE PERSON**
6 **IS:**

7 **1. UNDER THE SUPERVISION OF ANOTHER WHO IS AT**
8 **LEAST 21 YEARS OLD AND WHO IS NOT PROHIBITED BY STATE OR FEDERAL LAW**
9 **FROM POSSESSING AMMUNITION SOLELY DESIGNED FOR A REGULATED**
10 **FIREARM; AND**

11 **2. ACTING WITH THE PERMISSION OF THE PARENT**
12 **OR LEGAL GUARDIAN OF THE TRANSFEREE OR PERSON IN POSSESSION;**

13 **(II) THE TRANSFER BY INHERITANCE OF TITLE, AND NOT OF**
14 **POSSESSION, OF AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM;**

15 **(III) A MEMBER OF THE ARMED FORCES OF THE UNITED**
16 **STATES OR THE NATIONAL GUARD WHILE PERFORMING OFFICIAL DUTIES;**

17 **(IV) THE TEMPORARY TRANSFER OR POSSESSION OF**
18 **AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM IF THE PERSON**
19 **IS:**

20 **1. PARTICIPATING IN MARKSMANSHIP TRAINING OF**
21 **A RECOGNIZED ORGANIZATION; AND**

22 **2. UNDER THE SUPERVISION OF A QUALIFIED**
23 **INSTRUCTOR;**

24 **(V) A PERSON WHO IS REQUIRED TO POSSESS AMMUNITION**
25 **SOLELY DESIGNED FOR A REGULATED FIREARM FOR EMPLOYMENT AND WHO**
26 **HOLDS A PERMIT UNDER SUBTITLE 3 OF THIS TITLE; OR**

27 **(VI) THE POSSESSION OF AMMUNITION SOLELY DESIGNED**
28 **FOR A REGULATED FIREARM FOR SELF-DEFENSE OR THE DEFENSE OF OTHERS**
29 **AGAINST A TRESPASSER INTO THE RESIDENCE OF THE PERSON IN POSSESSION**
30 **OR INTO A RESIDENCE IN WHICH THE PERSON IN POSSESSION IS AN INVITED**
31 **GUEST.**

1 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
2 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT
3 LESS THAN 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

4 5-134.

5 (d) (1) A person may not sell, rent, or transfer:

6 (i) [ammunition solely designed for a regulated firearm to a
7 person who is under the age of 21 years; or

8 (ii) 1.] a firearm other than a regulated firearm to a minor;

9 [2.] (II) ammunition for a firearm to a minor;

10 [3.] (III) pepper mace, which is an aerosol propelled
11 combination of highly disabling irritant based products and is also known as
12 oleo-resin capsicum (O.C.) spray, to a minor; or

13 [4.] (IV) another deadly weapon to a minor.

14 (2) A person who violates this subsection is guilty of a misdemeanor
15 and on conviction is subject to imprisonment not exceeding 1 year or a fine not
16 exceeding \$1,000 or both.

17 **5-134.1.**

18 (A) THIS SECTION SUPERSEDES ANY RESTRICTION THAT A LOCAL
19 JURISDICTION IN THE STATE IMPOSES ON THE TRANSFER BY A PRIVATE PARTY
20 OF AMMUNITION DESIGNED SOLELY FOR A REGULATED FIREARM, AND THE
21 STATE PREEMPTS THE RIGHT OF ANY LOCAL JURISDICTION TO REGULATE THE
22 TRANSFER OF AMMUNITION DESIGNED SOLELY FOR A REGULATED FIREARM.

23 (B) A DEALER OR OTHER PERSON MAY NOT SELL, RENT, OR TRANSFER
24 AMMUNITION SOLELY DESIGNED FOR A REGULATED FIREARM TO A PURCHASER,
25 LESSEE, OR TRANSFEREE WHO:

26 (1) WAS PREVIOUSLY CONVICTED OF:

27 (I) A CRIME OF VIOLENCE; OR

28 (II) A VIOLATION OF § 5-602, § 5-603, § 5-604, § 5-605, §
29 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR § 5-614 OF THE
30 CRIMINAL LAW ARTICLE;

1 **(2) DOES NOT HAVE A FIREARM APPLICATION APPROVED BY THE**
2 **SECRETARY AND IS NOT EXEMPTED FROM THE REQUIREMENTS OF A FIREARM**
3 **APPLICATION IN ACCORDANCE WITH THIS SUBTITLE; OR**

4 **(3) IS UNDER 21 YEARS OF AGE.**

5 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
6 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
7 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2008.