

HOUSE BILL 396

E4

2lr1861
CF 2lr1793

By: **Delegates Serafini, Afzali, Aumann, Donoghue, Eckardt, Glass, McComas,
Norman, Smigiel, and Stocksdales**

Introduced and read first time: February 1, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Law Enforcement Handgun Disposal – Deceased Officers**

3 FOR the purpose of authorizing a law enforcement agency to transfer the handgun of a
4 law enforcement officer who is killed or dies in the performance of duty to
5 certain members of the deceased officer's family or to the deceased officer's
6 estate; authorizing a law enforcement agency to render the handgun of a
7 deceased officer inoperable before transfer; and generally relating to the
8 disposal of handguns by law enforcement agencies.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 3–501
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

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 3–501.

18 (a) In this section, “manufacturer” has the meaning stated in § 5–131(a)(2) of
19 this article.

20 (b) **[A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**
21 law enforcement agency seeking to dispose of a handgun owned by the agency shall:

22 (1) destroy the handgun;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) sell, exchange, or transfer the handgun to another law enforcement
2 agency for official use by that agency;

3 (3) sell the handgun to a retired police employee in accordance with §
4 2-415(c) of this article;

5 (4) sell the handgun to the law enforcement officer to whom the
6 handgun was assigned; or

7 (5) sell, exchange, or transfer the handgun to a manufacturer.

8 **(C) (1) IF A LAW ENFORCEMENT OFFICER IS KILLED OR DIES IN THE**
9 **PERFORMANCE OF DUTY, A LAW ENFORCEMENT AGENCY MAY TRANSFER THE**
10 **HANDGUN OF THE DECEASED OFFICER TO:**

11 **(I) A MEMBER OF THE IMMEDIATE FAMILY OF THE**
12 **DECEASED OFFICER IF THE PERSON HAS A PERMIT TO CARRY, WEAR, OR**
13 **TRANSPORT A HANDGUN UNDER § 5-303 OF THIS ARTICLE; OR**

14 **(II) THE ESTATE OF THE DECEASED OFFICER.**

15 **(2) A LAW ENFORCEMENT AGENCY MAY RENDER THE HANDGUN**
16 **OF THE DECEASED OFFICER INOPERABLE BEFORE TRANSFERRING THE**
17 **HANDGUN.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.