

# HOUSE BILL 383

E4  
HB 405/06 – JUD

3lr1930

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By: **Delegate Niemann**  
Introduced and read first time: January 25, 2013  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Gun Shops – Security Requirements for Regulated Firearms**

3 FOR the purpose of requiring an applicant for a State regulated firearms dealer's  
4 license to provide evidence satisfactory to the Secretary of State Police that the  
5 applicant's proposed place of business has certain security features; requiring a  
6 licensee to take certain security measures during nonbusiness hours and when  
7 the structure is not occupied; allowing certain licensees to comply with the  
8 security requirements on or before a certain date; modifying the threshold  
9 amount of time spent in a certain medical institution that requires the  
10 Secretary of State Police to revoke a dealer's license under certain  
11 circumstances; providing certain penalties; creating a certain exception;  
12 requiring that a certain suspension or revocation be stayed under certain  
13 circumstances; and generally relating to regulated firearms dealers and  
14 regulated firearms.

15 BY adding to  
16 Article – Public Safety  
17 Section 5–109.1  
18 Annotated Code of Maryland  
19 (2011 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Public Safety  
22 Section 5–114  
23 Annotated Code of Maryland  
24 (2011 Replacement Volume and 2012 Supplement)

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

27 **Article – Public Safety**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 **5-109.1.**

2 (A) BEFORE THE SECRETARY ISSUES A DEALER'S LICENSE TO AN  
3 APPLICANT, THE APPLICANT SHALL PROVIDE EVIDENCE SATISFACTORY TO THE  
4 SECRETARY THAT THE APPLICANT'S PROPOSED PLACE OF BUSINESS HAS:

5 (1) A VAULT OR SAFE THAT:

6 (I) IS AT LEAST 50 INCHES TALL;

7 (II) IS AT LEAST 20 INCHES WIDE;

8 (III) WEIGHS OVER 250 POUNDS OR IS BOLTED OR  
9 PERMANENTLY ATTACHED TO THE STRUCTURE;

10 (IV) HAS A SOLID DOOR WITH 1-INCH LOCKING PINS; AND

11 (V) MEETS THE UNDERWRITERS LABORATORIES  
12 RESIDENTIAL SECURITY CONTAINER RATING;

13 (2) 3/8-INCH THICK BRAIDED CABLES WITH RUBBER JACKETS  
14 THAT:

15 (I) ATTACH TO A FRAME OR SECURING POINTS ATTACHED  
16 TO THE STRUCTURE;

17 (II) HAVE KEY LOCKS; AND

18 (III) ARE SUFFICIENT TO SECURE ALL REGULATED  
19 FIREARMS OTHER THAN HANDGUNS TO BE OFFERED FOR SALE AT THE  
20 PROPOSED PLACE OF BUSINESS; AND

21 (3) A MONITORED SECURITY SYSTEM THAT WILL NOTIFY A  
22 SECURITY MONITORING SERVICE TO NOTIFY THE POLICE IMMEDIATELY OF ANY  
23 INTRUSION INTO THE PROPOSED PLACE OF BUSINESS.

24 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
25 SUBSECTION, THE LICENSEE SHALL:

26 (I) STORE ALL REGULATED FIREARMS THAT ARE  
27 HANDGUNS IN A VAULT DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION  
28 DURING NONBUSINESS HOURS;

1                   **(II) SECURE ALL REGULATED FIREARMS THAT ARE NOT**  
2 **HANDGUNS:**

3                               **1. WITH A CABLE LOCK DESCRIBED IN SUBSECTION**  
4 **(A)(2) OF THIS SECTION DURING NONBUSINESS HOURS; OR**

5                               **2. BY LOCKING THEM INSIDE A VAULT OR SAFE**  
6 **DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION; AND**

7                               **(III) ACTIVATE A SECURITY SYSTEM DESCRIBED IN**  
8 **SUBSECTION (A)(3) OF THIS SECTION WHEN THE STRUCTURE IS NOT OCCUPIED.**

9                   **(2) A PERSON WHO HOLDS A DEALER'S LICENSE ON OR BEFORE**  
10 **OCTOBER 1, 2013, SHALL COMPLY WITH THIS SUBSECTION ON OR BEFORE JULY**  
11 **1, 2014.**

12 5-114.

13           (a) The Secretary shall suspend a dealer's license if the licensee:

14                   (1) is under indictment for a crime of violence; or

15                   (2) is arrested for a violation of this subtitle that prohibits the  
16 purchase or possession of a regulated firearm.

17           (b) The Secretary shall revoke a dealer's license if:

18                   (1) it is discovered that false information has been supplied or false  
19 statements have been made in an application required by this subtitle; or

20                   (2) the licensee:

21                               (i) is convicted of a disqualifying crime;

22                               (ii) is convicted of a violation classified as a common law crime  
23 and receives a term of imprisonment of more than 2 years;

24                               (iii) is a fugitive from justice;

25                               (iv) is a habitual drunkard;

26                               (v) is addicted to a controlled dangerous substance or is a  
27 habitual user;

1                   (vi) has spent more than [30] 7 consecutive days in a medical  
2 institution for treatment of a mental disorder, unless the licensee produces a  
3 physician's certificate, issued after the last institutionalization and certifying that the  
4 licensee is capable of possessing a regulated firearm without undue danger to the  
5 licensee or to another;

6                   (vii) has knowingly or willfully manufactured, offered to sell, or  
7 sold a handgun not on the handgun roster in violation of § 5-406 of this title; or

8                   (viii) has knowingly or willfully participated in a straw purchase  
9 of a regulated firearm.

10           (c)   **(1) SUBJECT TO THE HEARING RIGHTS UNDER § 5-115 OF THIS**  
11 **SUBTITLE, THE SECRETARY MAY DENY A DEALER'S LICENSE TO ANY APPLICANT**  
12 **OR SUSPEND OR REVOKE A DEALER'S LICENSE IF THE APPLICANT OR LICENSEE**  
13 **VIOLATES § 5-109.1 OF THIS SUBTITLE.**

14           **(2) ANY SUSPENSION OR REVOCATION UNDER THIS SUBSECTION**  
15 **SHALL BE STAYED PENDING ANY HEARING HELD UNDER § 5-115 OF THIS**  
16 **SUBTITLE.**

17           **(D)** If the Secretary suspends or revokes a dealer's license, the Secretary  
18 shall notify the licensee in writing of the suspension or revocation.

19           [[d]] **(E)** A person whose dealer's license is suspended or revoked may not  
20 engage in the business of selling, renting, or transferring regulated firearms, unless  
21 the suspension or revocation has been subsequently withdrawn by the Secretary or  
22 overruled by a court in accordance with § 5-116 of this subtitle.

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2013.