

# HOUSE BILL 1355

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By: **Delegate Costa**

Introduced and read first time: February 11, 2013

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Regulated Firearms – Application Fee and Mental Health**  
3 **Certification**

4 FOR the purpose of increasing a certain firearm application fee; reducing the number  
5 of consecutive days that an applicant may not exceed in a certain medical  
6 institution or under certain other supervision for treatment of a mental disorder  
7 without a certain certification from a certain physician; requiring a certain  
8 firearm application to be accompanied by a certain certificate from a certain  
9 physician issued within a certain period before the date of the application in  
10 certain circumstances; clarifying the type of physician required for a certain  
11 certification; prohibiting a person from possessing a regulated firearm after a  
12 certain confinement without a certain certification; prohibiting a dealer or other  
13 person from selling, renting, or transferring a regulated firearm to certain  
14 persons if the dealer or other person has or has reason to have certain  
15 knowledge; and generally relating to firearms.

16 BY repealing and reenacting, with amendments,  
17 Article – Public Safety  
18 Section 5–118(a) and (b), 5–133(b), and 5–134(b)  
19 Annotated Code of Maryland  
20 (2011 Replacement Volume and 2012 Supplement)

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

23 **Article – Public Safety**

24 5–118.

25 (a) A firearm applicant shall:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) submit to a licensee or designated law enforcement agency a  
2 firearm application on the form that the Secretary provides; and

3 (2) pay to the licensee or designated law enforcement agency an  
4 application fee of [~~\$10~~] **\$50**.

5 (b) A firearm application shall [contain]:

6 (1) CONTAIN:

7 [(1)] (I) the firearm applicant's name, address, Social Security  
8 number, place and date of birth, height, weight, race, eye and hair color, signature,  
9 driver's or photographic identification soundex number, occupation, and regulated  
10 firearm information for each regulated firearm to be purchased, rented, or transferred;

11 [(2)] (II) the date and time that the firearm applicant delivered the  
12 completed firearm application to the prospective seller or transferor; and

13 [(3)] (III) a statement by the firearm applicant under the penalty of  
14 perjury that the firearm applicant:

15 [(i)] 1. is at least 21 years old;

16 [(ii)] 2. has never been convicted of a disqualifying crime;

17 [(iii)] 3. has never been convicted of a violation classified as a  
18 common law crime and received a term of imprisonment of more than 2 years;

19 [(iv)] 4. is not a fugitive from justice;

20 [(v)] 5. is not a habitual drunkard;

21 [(vi)] 6. is not addicted to a controlled dangerous substance or  
22 is not a habitual user;

23 [(vii)] 7. has never spent more than [~~30~~] **10** consecutive days  
24 in a [medical institution] **FACILITY AS DEFINED IN § 10-101 OF THE HEALTH –**  
25 **GENERAL ARTICLE** for treatment of a mental disorder, unless [a physician's  
26 certificate issued within 30 days before the date of application is attached to the  
27 application, certifying] **THE CERTIFICATE ISSUED IN ACCORDANCE WITH**  
28 **PARAGRAPH (2) OF THIS SUBSECTION ACKNOWLEDGES THE TREATMENT AND**  
29 **CERTIFIES** that, **DESPITE THE TREATMENT**, the firearm applicant is **CURRENTLY**  
30 capable of possessing a regulated firearm without undue danger to the firearm  
31 applicant or to another;

1                    [(viii)]    8.    is not a respondent against whom a current non  
2 ex parte civil protective order has been entered under § 4–506 of the Family Law  
3 Article;

4                    [(ix)]    9.    if under the age of 30 years at the time of application,  
5 has not been adjudicated delinquent by a juvenile court for an act that would be a  
6 disqualifying crime if committed by an adult; and

7                    [(x)]    10.   subject to § 5–119 of this subtitle, has completed a  
8 certified firearms safety training course that the Police Training Commission conducts  
9 without charge or that meets the standards that the Police Training Commission  
10 establishes under § 3–207 of this article; AND

11                    (2)    **INCLUDE A CERTIFICATE ISSUED BY A LICENSED PHYSICIAN**  
12 **IN THE FIELD OF MENTAL HEALTH ISSUED WITHIN 30 DAYS BEFORE THE DATE**  
13 **OF THE APPLICATION THAT THE APPLICANT IS CAPABLE OF POSSESSING A**  
14 **REGULATED FIREARM WITHOUT UNDUE DANGER TO THE APPLICANT OR**  
15 **ANOTHER PERSON.**

16 5–133.

17                    (b)    A person may not possess a regulated firearm if the person:

18                    (1)    has been convicted of a disqualifying crime;

19                    (2)    has been convicted of a violation classified as a common law crime  
20 and received a term of imprisonment of more than 2 years;

21                    (3)    is a fugitive from justice;

22                    (4)    is a habitual drunkard;

23                    (5)    is addicted to a controlled dangerous substance or is a habitual  
24 user;

25                    (6)    suffers from a mental disorder as defined in § 10–101(f)(2) of the  
26 Health – General Article and has a history of violent behavior against the person or  
27 another, unless the person has a physician’s certificate that the person is capable of  
28 possessing a regulated firearm without undue danger to the person or to another;

29                    (7)    has been confined for more than [30] 10 consecutive days to a  
30 facility as defined in § 10–101 of the Health – General Article **OR TO RESIDENTIAL**  
31 **CARE UNDER THE SUPERVISION OF A MENTAL HEALTH PROFESSIONAL**, unless  
32 the person has a [physician’s] certificate **ISSUED BY A LICENSED PHYSICIAN IN THE**  
33 **FIELD OF MENTAL HEALTH** that, **DESPITE THE CONFINEMENT**, the person is

1 **CURRENTLY** capable of possessing a regulated firearm without undue danger to the  
2 person or to another;

3 (8) except as provided in subsection (e) of this section, is a respondent  
4 against whom a current non ex parte civil protective order has been entered under §  
5 4–506 of the Family Law Article; or

6 (9) if under the age of 30 years at the time of possession, has been  
7 adjudicated delinquent by a juvenile court for an act that would be a disqualifying  
8 crime if committed by an adult.

9 5–134.

10 (b) A dealer or other person may not sell, rent, or transfer a regulated  
11 firearm to a purchaser, lessee, or transferee who the dealer or other person knows or  
12 has reasonable cause to believe:

13 (1) is under the age of 21 years;

14 (2) has been convicted of a disqualifying crime;

15 (3) has been convicted of a conspiracy to commit a felony;

16 (4) has been convicted of a violation classified as a common law crime  
17 and received a term of imprisonment of more than 2 years;

18 (5) is a fugitive from justice;

19 (6) is a habitual drunkard;

20 (7) is addicted to a controlled dangerous substance or is a habitual  
21 user;

22 (8) suffers from a mental disorder as defined in § 10–101(f)(2) of the  
23 Health – General Article, and has a history of violent behavior against the purchaser,  
24 lessee, or transferee or another, unless the purchaser, lessee, or transferee possesses a  
25 [physician’s] certificate **ISSUED BY A LICENSED PHYSICIAN IN THE FIELD OF**  
26 **MENTAL HEALTH** that, **DESPITE THE DISORDER AND HISTORY OF BEHAVIOR**, the  
27 recipient is **CURRENTLY** capable of possessing a regulated firearm without undue  
28 danger to the purchaser, lessee, or transferee or to another;

29 (9) has been confined for more than [30] **10** consecutive days to a  
30 facility as defined in § 10–101 of the Health – General Article **OR TO RESIDENTIAL**  
31 **CARE UNDER THE SUPERVISION OF A MENTAL HEALTH PROFESSIONAL**, unless  
32 the purchaser, lessee, or transferee possesses a [physician’s] certificate **ISSUED BY A**  
33 **LICENSED PHYSICIAN IN THE FIELD OF MENTAL HEALTH** that, **DESPITE THE**

1 **CONFINEMENT**, the recipient is **CURRENTLY** capable of possessing a regulated  
2 firearm without undue danger to the purchaser, lessee, or transferee or to another;

3 (10) is a respondent against whom a current non ex parte civil  
4 protective order has been entered under § 4–506 of the Family Law Article;

5 (11) if under the age of 30 years at the time of the transaction, has been  
6 adjudicated delinquent by a juvenile court for an act that would be a disqualifying  
7 crime if committed by an adult;

8 (12) is visibly under the influence of alcohol or drugs;

9 (13) is a participant in a straw purchase; or

10 (14) subject to subsection (c) of this section for a transaction under this  
11 subsection that is made on or after January 1, 2002, has not completed a certified  
12 firearms safety training course conducted free of charge by the Police Training  
13 Commission or that meets standards established by the Police Training Commission  
14 under § 3–207 of this article.

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