

HOUSE BILL 90

E4

4lr0532

(PRE-FILED)

By: **Delegate Simmons**

Requested: September 24, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Regulated Firearms – Disqualifying Crime – Domestically Related Crime**

3 FOR the purpose of clarifying the definition of “convicted of a disqualifying crime” to
4 specify that the term includes a case in which a person received probation
5 before judgment for a crime of violence other than assault in the second degree
6 and a case in which a person received probation before judgment in a certain
7 domestically related crime; modifying the definition of “disqualifying crime” to
8 include a certain domestically related crime; and generally relating to regulated
9 firearms disqualifications.

10 BY repealing and reenacting, with amendments,
11 Article – Public Safety
12 Section 5–101
13 Annotated Code of Maryland
14 (2011 Replacement Volume and 2013 Supplement)

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

17 **Article – Public Safety**

18 5–101.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) “Antique firearm” has the meaning stated in § 4–201 of the Criminal Law
21 Article.

22 (b–1) (1) “Convicted of a disqualifying crime” includes:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) a case in which a person received probation before judgment
2 for a crime of violence **OTHER THAN ASSAULT IN THE SECOND DEGREE**; and

3 (ii) a case in which a person received probation before judgment
4 in a domestically related crime as defined in § 6–233 of the Criminal Procedure
5 Article.

6 (2) “Convicted of a disqualifying crime” does not include a case in
7 which a person received a probation before judgment[:

8 (i) for assault in the second degree; or

9 (ii)] that was expunged under Title 10, Subtitle 1 of the Criminal
10 Procedure Article.

11 (c) “Crime of violence” means:

12 (1) abduction;

13 (2) arson in the first degree;

14 (3) assault in the first or second degree;

15 (4) burglary in the first, second, or third degree;

16 (5) carjacking and armed carjacking;

17 (6) escape in the first degree;

18 (7) kidnapping;

19 (8) voluntary manslaughter;

20 (9) maiming as previously proscribed under former Article 27, § 386 of
21 the Code;

22 (10) mayhem as previously proscribed under former Article 27, § 384 of
23 the Code;

24 (11) murder in the first or second degree;

25 (12) rape in the first or second degree;

26 (13) robbery;

27 (14) robbery with a dangerous weapon;

1 (15) sexual offense in the first, second, or third degree;

2 (16) an attempt to commit any of the crimes listed in items (1) through
3 (15) of this subsection; or

4 (17) assault with intent to commit any of the crimes listed in items (1)
5 through (15) of this subsection or a crime punishable by imprisonment for more than 1
6 year.

7 (d) “Dealer” means a person who is engaged in the business of:

8 (1) selling, renting, or transferring firearms at wholesale or retail; or

9 (2) repairing firearms.

10 (e) “Dealer’s license” means a State regulated firearms dealer’s license.

11 (f) “Designated law enforcement agency” means a law enforcement agency
12 that the Secretary designates to process applications to purchase regulated firearms
13 for secondary sales.

14 (g) “Disqualifying crime” means:

15 (1) a crime of violence;

16 (2) a violation classified as a felony in the State; [or]

17 (3) a violation classified as a misdemeanor in the State that carries a
18 statutory penalty of more than 2 years; OR

19 **(4) A DOMESTICALLY RELATED CRIME AS DEFINED IN § 6-233 OF**
20 **THE CRIMINAL PROCEDURE ARTICLE.**

21 (h) (1) “Firearm” means:

22 (i) a weapon that expels, is designed to expel, or may readily be
23 converted to expel a projectile by the action of an explosive; or

24 (ii) the frame or receiver of such a weapon.

25 (2) “Firearm” includes a starter gun.

26 (i) “Firearm applicant” means a person who makes a firearm application.

27 (j) “Firearm application” means an application to purchase, rent, or transfer
28 a regulated firearm.

1 (k) "Fugitive from justice" means a person who has fled to avoid prosecution
2 or giving testimony in a criminal proceeding.

3 (l) "Habitual drunkard" means a person who has been found guilty of any
4 three crimes under § 21-902(a), (b), or (c) of the Transportation Article, one of which
5 occurred in the past year.

6 (m) "Habitual user" means a person who has been found guilty of two
7 controlled dangerous substance crimes, one of which occurred in the past 5 years.

8 (n) (1) "Handgun" means a firearm with a barrel less than 16 inches in
9 length.

10 (2) "Handgun" includes signal, starter, and blank pistols.

11 (o) "Handgun qualification license" means a license issued by the Secretary
12 that authorizes a person to purchase, rent, or receive a handgun.

13 (p) "Licensee" means a person who holds a dealer's license.

14 (q) "Qualified handgun instructor" means a certified firearms instructor who:

15 (1) is recognized by the Maryland Police and Correctional Training
16 commissions;

17 (2) has a qualified handgun instructor license issued by the Secretary;
18 or

19 (3) has a certification issued by a nationally recognized firearms
20 organization.

21 (r) "Regulated firearm" means:

22 (1) a handgun; or

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

26 (i) American Arms Spectre da Semiautomatic carbine;

27 (ii) AK-47 in all forms;

28 (iii) Algimec AGM-1 type semi-auto;

29 (iv) AR 100 type semi-auto;

- 1 (v) AR 180 type semi-auto;
- 2 (vi) Argentine L.S.R. semi-auto;
- 3 (vii) Australian Automatic Arms SAR type semi-auto;
- 4 (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- 5 (ix) Barrett light .50 cal. semi-auto;
- 6 (x) Beretta AR70 type semi-auto;
- 7 (xi) Bushmaster semi-auto rifle;
- 8 (xii) Calico models M-100 and M-900;
- 9 (xiii) CIS SR 88 type semi-auto;
- 10 (xiv) Claridge HI TEC C-9 carbines;
- 11 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15
12 Sporter H-BAR rifle;
- 13 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and
14 K-2;
- 15 (xvii) Dragunov Chinese made semi-auto;
- 16 (xviii) Famas semi-auto (.223 caliber);
- 17 (xix) Feather AT-9 semi-auto;
- 18 (xx) FN LAR and FN FAL assault rifle;
- 19 (xxi) FNC semi-auto type carbine;
- 20 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 21 (xxiii) Steyr-AUG-SA semi-auto;
- 22 (xxiv) Galil models AR and ARM semi-auto;
- 23 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 24 (xxvi) Holmes model 88 shotgun;
- 25 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;

- 1 (xxviii) Manchester Arms “Commando” MK-45, MK-9;
2 (xxix) Mandell TAC-1 semi-auto carbine;
3 (xxx) Mossberg model 500 Bullpup assault shotgun;
4 (xxxi) Sterling Mark 6;
5 (xxxii) P.A.W.S. carbine;
6 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
7 (xxxiv) SIG 550/551 assault rifle (.223 caliber);
8 (xxxv) SKS with detachable magazine;
9 (xxxvi) AP-74 Commando type semi-auto;
10 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3,
11 M-21 sniper rifle, M1A, excluding the M1 Garand;
12 (xxxviii) Street sweeper assault type shotgun;
13 (xxxix) Striker 12 assault shotgun in all formats;
14 (xl) Unique F11 semi-auto type;
15 (xli) Daewoo USAS 12 semi-auto shotgun;
16 (xlii) UZI 9mm carbine or rifle;
17 (xliii) Valmet M-76 and M-78 semi-auto;
18 (xliv) Weaver Arms “Nighthawk” semi-auto carbine; or
19 (xlv) Wilkinson Arms 9mm semi-auto “Terry”.

20 (s) “Rent” means the temporary transfer for consideration of a regulated
21 firearm that is taken from the property of the owner of the regulated firearm.

22 (t) “Secondary sale” means a sale of a regulated firearm in which neither
23 party to the sale:

24 (1) is a licensee;

25 (2) is licensed by the federal government as a firearms dealer;

1 (3) devotes time, attention, and labor to dealing in firearms as a
2 regular course of trade or business with the principal objective of earning a profit
3 through the repeated purchase and resale of firearms; or

4 (4) repairs firearms as a regular course of trade or business.

5 (u) “Secretary” means the Secretary of State Police or the Secretary’s
6 designee.

7 (v) “Straw purchase” means a sale of a regulated firearm in which a person
8 uses another, known as the straw purchaser, to:

9 (1) complete the application to purchase a regulated firearm;

10 (2) take initial possession of the regulated firearm; and

11 (3) subsequently transfer the regulated firearm to the person.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2014.