

SB0943/748472/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 943
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “providing an exception for a certain person from the prohibition against carrying or transporting a certain firearm under certain circumstances;”; in line 6, strike “court” and substitute “Department of Public Safety and Correctional Services”; in the same line, strike “owned by the person or”; in line 10, in each instance, strike “court” and substitute “Department of Public Safety and Correctional Services”; after line 12, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 4-203(b) and 4-302

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”;

and after line 22, insert:

“BY adding to

Article - Public Safety

Section 5-133(f)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)”.

BY repealing and reenacting, with amendments,

Article - Public Safety

Section 5-205(c)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)”.

(Over)

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AMENDMENT NO. 2

On page 1, after line 24, insert:

“Article – Criminal Law

4–203.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person’s official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full–time assistant or deputy sheriff of the State;

or

(vi) a temporary or part–time sheriff’s deputy;

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(2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5–307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector’s gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

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(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; [or]

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station; OR

(10) THE CARRYING OR TRANSPORTING OF A HANDGUN BY A PERSON WHO IS PROHIBITED FROM POSSESSING A HANDGUN BECAUSE THE PERSON HAS BEEN CONVICTED OF A FELONY OR CONVICTED OF A DISQUALIFYING CRIME, AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE, IF:

(I) THE HANDGUN IS UNLOADED;

(II) IT IS WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION;

(III) THE PERSON HAS NOTIFIED A LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE HANDGUN IS BEING TRANSPORTED TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR TO A FEDERALLY LICENSED FIREARMS DEALER FOR THE PURPOSES OF TRANSFERRING THE FIREARM TO THE OFFICIAL OR DEALER; AND

(IV) THE PERSON TRANSPORTS THE HANDGUN DIRECTLY TO THE STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR FEDERALLY LICENSED FIREARMS DEALER.

4-302.

This subtitle does not apply to:

(1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer authorized under Title 3 of the Public Safety Article or 49 U.S.C. § 28101;

(2) a firearm modified to render it permanently inoperative;

(3) possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:

(i) providing or servicing an assault weapon or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section;

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(ii) acting to sell or transfer an assault weapon or detachable magazine to a licensed firearm dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or

(iii) acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair;

(4) organizations that are required or authorized by federal law governing their specific business or activity to maintain assault weapons and applicable ammunition and detachable magazines;

(5) the receipt of an assault weapon or detachable magazine by inheritance, and possession of the inherited assault weapon or detachable magazine, if the decedent lawfully possessed the assault weapon or detachable magazine and the person inheriting the assault weapon or detachable magazine is not otherwise disqualified from possessing a regulated firearm;

(6) the receipt of an assault weapon or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate;

(7) possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local unit in the State and is not otherwise prohibited from receiving an assault weapon or detachable magazine if:

(i) the assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement; or

(ii) the assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency before retirement;

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(8) possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; [or]

(9) possession, receipt, and testing by, or shipping to or from:

(i) an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or

(ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems; OR

(10) THE CARRYING OR TRANSPORTING OF AN ASSAULT WEAPON BY A PERSON WHO IS PROHIBITED FROM POSSESSING THE ASSAULT WEAPON BECAUSE THE PERSON HAS BEEN CONVICTED OF A FELONY OR CONVICTED OF A DISQUALIFYING CRIME, AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE, IF:

(I) THE FIREARM IS UNLOADED;

(II) IT IS WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION;

(III) THE PERSON HAS NOTIFIED A LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR TO A FEDERALLY LICENSED FIREARMS DEALER FOR THE PURPOSES OF TRANSFERRING THE FIREARM TO THE OFFICIAL OR DEALER; AND

(Over)

(IV) THE PERSON TRANSPORTS THE FIREARM DIRECTLY TO THE STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR FEDERALLY LICENSED FIREARMS DEALER.”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 29 through 32, inclusive.

On page 3, in line 7, strike “OWNED BY THE PERSON OR”; in line 10, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A”; in line 11, after “2” insert “BUSINESS”; in line 15, strike “§ 5-206” and substitute “§ 5-207”; after line 17, insert:

“(III) A PERSON WHO IS PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE RIFLE OR SHOTGUN WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:

1. A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL;
2. A FEDERALLY LICENSED FIREARMS DEALER; OR
3. ANOTHER PERSON WHO:
 - A. IS NOT PROHIBITED FROM POSSESSING THE FIREARM UNDER STATE AND FEDERAL LAW; AND
 - B. DOES NOT LIVE IN THE SAME RESIDENCE.”;

in line 22, after “(4)” insert “(I)”; in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A”; in lines 24, 25, and

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26, strike “(I)”, “(II)”, and “(III)”, respectively, and substitute “1.”, “2.”, and “3.”, respectively; after line 26, insert:

“(II) FOR A FIREARM MANUFACTURED BEFORE 1968, IDENTIFYING MARKS MAY BE SUBSTITUTED FOR THE SERIAL NUMBER REQUIRED BY THIS PARAGRAPH.”;

strike beginning with “OWNED” in line 31 down through “OR” in line 32; and in line 33, strike “OWN OR”.

On page 4, in lines 1 and 2, in each instance, strike “OWN OR”.

AMENDMENT NO. 4

On page 3, in line 1, strike “(3)” and substitute “(2)”; and in lines 6 and 31, in each instance, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”.

On page 4, in line 1, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; and after line 5, insert:

“(F) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL DEVELOP PROCEDURES FOR THE COLLECTION OF THE FILING REQUIRED UNDER SUBSECTION (D)(1) OF THIS SECTION.

Article – Public Safety

5-133.

(F) THIS SECTION DOES NOT APPLY TO THE CARRYING OR TRANSPORTING OF A REGULATED FIREARM BY A PERSON WHO IS PROHIBITED

(Over)

FROM POSSESSING THE REGULATED FIREARM BECAUSE THE PERSON HAS BEEN CONVICTED OF A FELONY OR CONVICTED OF A DISQUALIFYING CRIME, AS DEFINED IN § 5-101 OF THIS SUBTITLE, IF:

(1) THE FIREARM IS UNLOADED;

(2) IT IS WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION;

(3) THE PERSON HAS NOTIFIED A LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR TO A FEDERALLY LICENSED FIREARMS DEALER FOR THE PURPOSES OF TRANSFERRING THE FIREARM TO THE OFFICIAL OR DEALER; AND

(4) THE PERSON TRANSPORTS THE FIREARM DIRECTLY TO THE STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR FEDERALLY LICENSED FIREARMS DEALER.

5-205.

(c) This section does not apply to:

(1) a person transporting a rifle or shotgun if the person is carrying a civil protective order requiring the surrender of the rifle or shotgun and:

[(1)] (I) the rifle or shotgun is unloaded;

[(2)] (II) the person has notified the law enforcement unit, barracks, or station that the rifle or shotgun is being transported in accordance with the civil protective order; and

[(3)] (III) the person transports the rifle or shotgun directly to the law enforcement unit, barracks, or station; OR

(2) A PERSON WHO IS PROHIBITED FROM POSSESSING THE RIFLE OR SHOTGUN BECAUSE THE PERSON HAS BEEN CONVICTED OF A FELONY OR CONVICTED OF A DISQUALIFYING CRIME, AS DEFINED IN § 5-101 OF THIS TITLE, IF:

(I) THE RIFLE OR SHOTGUN IS UNLOADED;

(II) IT IS WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION;

(III) THE PERSON HAS NOTIFIED A LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE RIFLE OR SHOTGUN IS BEING TRANSPORTED TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR TO A FEDERALLY LICENSED FIREARMS DEALER FOR THE PURPOSES OF TRANSFERRING THE RIFLE OR SHOTGUN TO THE OFFICIAL OR DEALER; AND

(IV) THE PERSON TRANSPORTS THE RIFLE OR SHOTGUN DIRECTLY TO THE STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR FEDERALLY LICENSED FIREARMS DEALER.”.