

HOUSE BILL 175

E4

11r0979

(PRE-FILED)

By: **Delegate Henson**

Requested: October 14, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Ammunition – Sales and Transfers**

3 FOR the purpose of requiring an ammunition vendor to confirm identification and conduct
4 a certain background check on a purchaser or transferee of ammunition before the
5 sale or transfer of ammunition; prohibiting an ammunition vendor from completing
6 the purchase or the transfer of ammunition to the purchaser or transferee of
7 ammunition under certain circumstances; prohibiting an ammunition vendor from
8 selling or transferring ammunition without making a certain record that includes
9 certain information; requiring an ammunition vendor to maintain a certain record
10 with certain information; requiring the Secretary of State Police to adopt certain
11 regulations; requiring an ammunition vendor to submit certain information to the
12 Secretary; requiring the Secretary to retain certain information in a certain database
13 that remains confidential and may be used only under certain circumstances;
14 prohibiting an ammunition vendor from using, selling, disclosing, or sharing certain
15 information except under certain circumstances; authorizing the Secretary to inspect
16 certain records under certain circumstances; establishing a certain penalty for a
17 violation of this Act; requiring the court to assess a fine with certain considerations;
18 providing exceptions to the applicability of this Act; defining certain terms; and
19 generally relating to sales and transfers of ammunition.

20 BY adding to

21 Article – Public Safety

22 Section 5–701 through 5–705 to be under the new subtitle “Subtitle 7. Ammunition”

23 Annotated Code of Maryland

24 (2018 Replacement Volume and 2020 Supplement)

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

27 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUBTITLE 7. AMMUNITION.

5-701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "AMMUNITION" HAS THE MEANING STATED IN § 5-133.1 OF THIS TITLE.

(C) "AMMUNITION VENDOR" MEANS A PERSON ENGAGED IN THE BUSINESS OF SELLING AMMUNITION.

(D) "NICS INDEX" HAS THE MEANING STATED IN § 5-133.2 OF THIS TITLE.

(E) "SECRETARY" MEANS THE SECRETARY OF STATE POLICE OR THE SECRETARY'S DESIGNEE.

5-702.

THIS SUBTITLE DOES NOT APPLY TO THE SALE OR TRANSFER OF AMMUNITION BY AN AMMUNITION VENDOR TO ANY OF THE FOLLOWING:

(1) AN AMMUNITION VENDOR;

(2) A PERSON WHO HOLDS A FEDERAL FIREARMS LICENSE;

(3) A PERSON WHO HOLDS A HANDGUN QUALIFICATION LICENSE;

(4) A PERSON WHO PURCHASES OR RECEIVES AMMUNITION AT A TARGET FACILITY HOLDING A BUSINESS OR OTHER REGULATORY LICENSE, IF THE AMMUNITION IS AT ALL TIMES KEPT WITHIN THE FACILITY'S PREMISES;

(5) A GUNSMITH;

(6) A LICENSED FIREARM WHOLESALER;

(7) A MANUFACTURER OR AN IMPORTER OF FIREARMS OR AMMUNITION DEFINED UNDER TITLE 18, § 921 OF THE U.S. CODE; AND

(8) A PROPERLY IDENTIFIED LAW ENFORCEMENT OFFICER INCLUDED UNDER § 3-101 OF THE PUBLIC SAFETY ARTICLE OR A PROPERLY

1 IDENTIFIED SWORN FEDERAL LAW ENFORCEMENT OFFICER, WHO IS AUTHORIZED
2 TO CARRY A FIREARM IN THE COURSE AND SCOPE OF THE OFFICER'S DUTIES.

3 **5-703.**

4 (A) BEFORE THE SALE OR TRANSFER OF AMMUNITION, AN AMMUNITION
5 VENDOR SHALL:

6 (1) CONFIRM IDENTIFICATION OF THE PURCHASER OR TRANSFEREE
7 THROUGH THE PRESENTATION OF A DRIVER'S LICENSE OR OTHER
8 GOVERNMENT-ISSUED IDENTIFICATION; AND

9 (2) CONDUCT A BACKGROUND CHECK ON THE PURCHASER OR
10 TRANSFEREE THROUGH THE NICS INDEX.

11 (B) IF THE RESULTS OF THE NICS INDEX BACKGROUND CHECK INDICATE
12 THAT THE PURCHASER OR TRANSFEREE IS PROHIBITED FROM POSSESSING A
13 FIREARM UNDER FEDERAL LAW, THE AMMUNITION VENDOR MAY NOT COMPLETE
14 THE SALE OR TRANSFER.

15 **5-704.**

16 (A) AN AMMUNITION VENDOR MAY NOT SELL OR OTHERWISE TRANSFER
17 OWNERSHIP OF ANY AMMUNITION WITHOUT, AT THE TIME OF DELIVERY, MAKING AN
18 ELECTRONIC RECORD IN THE FORMAT REQUIRED BY THE SECRETARY THAT
19 INCLUDES:

20 (1) THE DATE OF THE SALE OR TRANSFER;

21 (2) THE PURCHASER'S OR TRANSFEREE'S DRIVER'S LICENSE OR
22 OTHER IDENTIFICATION NUMBER AND THE STATE IN WHICH IT WAS ISSUED;

23 (3) THE BRAND, TYPE, AND AMOUNT OF AMMUNITION SOLD OR
24 TRANSFERRED;

25 (4) THE PURCHASER'S OR TRANSFEREE'S FULL NAME AND
26 SIGNATURE;

27 (5) THE PURCHASER'S OR TRANSFEREE'S FULL RESIDENTIAL
28 ADDRESS, DATE OF BIRTH, AND TELEPHONE NUMBER; AND

29 (6) THE NAME OF THE SALESPERSON WHO PROCESSED THE SALE OR
30 OTHER TRANSACTION.

1 **(B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, THE SECRETARY SHALL**
2 **ADOPT REGULATIONS SPECIFYING THE INFORMATION THAT THE RECORDS SHALL**
3 **CONTAIN AND THE TIME PERIOD FOR WHICH THE RECORDS SHALL BE KEPT.**

4 **(C) (1) AN AMMUNITION VENDOR SHALL ELECTRONICALLY SUBMIT TO**
5 **THE SECRETARY THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS**
6 **SECTION FOR ALL SALES AND TRANSFERS OF AMMUNITION.**

7 **(2) THE SECRETARY SHALL RETAIN THE INFORMATION IN AN**
8 **ELECTRONIC DATABASE THAT REMAINS CONFIDENTIAL AND MAY BE USED ONLY FOR**
9 **LAW ENFORCEMENT PURPOSES.**

10 **(3) WITHOUT THE EXPRESS WRITTEN CONSENT OF THE PURCHASER**
11 **OR TRANSFEREE, AN AMMUNITION VENDOR MAY NOT USE, SELL, DISCLOSE, OR**
12 **SHARE THE INFORMATION OBTAINED FOR THE SALE OR TRANSFER OF AMMUNITION**
13 **FOR ANY PURPOSE OTHER THAN THE SUBMISSION REQUIRED BY THIS TITLE.**

14 **(4) THE SECRETARY MAY INSPECT THE ELECTRONIC RECORDS**
15 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION OF AN AMMUNITION VENDOR**
16 **AT ANY TIME DURING THE NORMAL BUSINESS HOURS OF THE BUSINESS.**

17 **5-705.**

18 **(A) A PERSON THAT VIOLATES THIS SUBTITLE IS GUILTY OF A CIVIL**
19 **OFFENSE AND ON CONVICTION SHALL BE FINED NOT LESS THAN \$1,000 FOR EACH**
20 **VIOLATION.**

21 **(B) THE COURT SHALL ASSESS THE AMOUNT OF THE FINE UNDER THIS**
22 **SECTION WITH CONSIDERATION GIVEN TO:**

23 **(1) THE SERIOUSNESS OF THE VIOLATION;**

24 **(2) THE WILLFULNESS OF THE VIOLATION;**

25 **(3) THE EXTENT TO WHICH THE PERSON OR ENTITY CHARGED WITH**
26 **THE VIOLATION:**

27 **(I) IS LIKELY TO OFFEND IN THE FUTURE;**

28 **(II) HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION UNDER**
29 **THIS SUBTITLE; OR**

1 **(III) HAS PREVIOUSLY HAD A PROSECUTION FOR A VIOLATION**
2 **UNDER THIS SUBTITLE SUSPENDED; AND**

3 **(4) ANY OTHER RELEVANT FACTORS.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2021.