

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 86

(Senators Waldstreicher and Lee)

Judicial Proceedings

Rifles and Shotguns – Possession – Age Requirement (Raise the Age Act of 2023)

This bill prohibits (1) a person from selling, renting, or transferring ammunition for a firearm to a person younger than age 21 and (2) with specified exceptions, a licensed firearms dealer or any other person from selling, renting, loaning, or transferring a rifle or shotgun to a purchaser, lessee, borrower, or transferee who the licensee or other person knows or has reasonable cause to believe is younger than age 21. Violators are subject to existing maximum misdemeanor criminal penalties of five years imprisonment and/or \$10,000 fine. In addition, the bill, with specified exceptions, prohibits a person younger than age 21 from possessing a rifle or a shotgun. A violator is guilty of a misdemeanor and on conviction, subject to maximum penalties of five years imprisonment and/or \$10,000 fine.

Fiscal Summary

State Effect: The Department of State Police can handle enforcement with existing budgeted resources. The criminal penalty provisions are not expected to significantly affect State finances or operations.

Local Effect: The criminal penalty provisions of this bill are not expected to significantly affect local finances or operations.

Small Business Effect: Potential meaningful. The bill could have a negative effect on the overall sales of ammunition, rifles, and shotguns.

Analysis

Bill Summary: Unless a person is otherwise prohibited from possessing a rifle or shotgun, the bill's prohibition on possession of a rifle or shotgun by a person younger than age 21 does not apply to:

- the temporary transfer or possession of rifle or shotgun if the person is (1) under the supervision of another who is at least age 21 and not prohibited by State or federal law from possessing a firearm and (2) acting with permission of a parent or legal guardian of the transferee or person in possession;
- the transfer by inheritance of title, and not possession, of a rifle or shotgun;
- a member of the U.S. Armed Forces or the National Guard while performing official duties;
- the temporary transfer or possession of a rifle or shotgun if the person is participating in marksmanship training of a recognized organization and under the supervision of a qualified instructor;
- the person who is required to possess a rifle or shotgun for employment or;
- the possession of a firearm for self-defense or defense of other against a trespasser into the residence.

In addition, a person may loan a rifle or shotgun to a borrower who may possess the rifle or shotgun under these exceptions.

Current Law:

Prohibitions for Rifles and Shotguns: Generally, a person may not possess a rifle or a shotgun *and* a licensee or any other person may not sell, rent, transfer, or loan a rifle or shotgun to a purchaser, lessee, transferee, or recipient who the licensee or other person knows or has reasonable cause to believe:

- has been convicted of a disqualifying crime;
- has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than two years;
- is a fugitive from justice;
- is a habitual drunkard;
- is addicted to a controlled dangerous substance or is a habitual user;
- suffers from a mental disorder and has a history of violent behavior against the purchaser, lessee, transferee, recipient, or another (for possession, the behavior must be against the person or another);
- has been found incompetent to stand trial;

- has been found not criminally responsible;
- has been voluntarily admitted for more than 30 consecutive days to a facility that provides treatment or other services for mental disorders;
- has been involuntarily committed to a facility that provides treatment or other services for mental disorders;
- is under the protection of a guardian of the person or property of a disabled person appointed by a court, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- is a respondent against whom a current non *ex parte* civil protective order has been entered in this State or an order for protection has been issued by a court of another state or a Native American tribe and is in effect; or
- if younger than age 30 at the time of the transaction, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

In addition, a licensee or any other person is prohibited from selling, renting, transferring, or loaning a rifle or shotgun to a purchaser, lessee, transferee, or recipient who the licensee or other person knows or has reasonable cause to believe:

- is visibly under the influence of alcohol or drugs;
- is a participant in a straw purchase; or
- intends to use the rifle or shotgun to commit a crime, or cause harm to the purchaser, lessee, transferee, or recipient or another person.

With certain exceptions, a person who is younger than age 21 may not possess a regulated firearm.

Generally, a violator of any of the above prohibitions is guilty of a misdemeanor and on conviction, subject to maximum penalties of five years imprisonment and/or \$10,000 fine.

The prohibitions on possession of a rifle or shotgun do not apply to:

- 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) the rifle or shotgun is unloaded; (2) 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) the person transports the rifle or shotgun directly to the law enforcement unit, barracks, or station; or

- a person carrying or transporting a rifle or shotgun if the person is carrying a court order requiring the surrender of the rifle or shotgun and (1) the rifle or shotgun is unloaded; (2) the person has notified a law enforcement unit, barracks, or station that the rifle or shotgun is being transported in accordance with the order; and (3) the person transports the rifle or shotgun directly to a State or local law enforcement agency or a federally licensed firearms dealer.

Ammunition and Firearm Sales, Rentals, or Transfers: A person may not sell, rent, or transfer:

- ammunition solely designed for a regulated firearm to a person who is younger than age of 21;
- a firearm other than a regulated firearm to a minor;
- ammunition for a firearm to a minor;
- pepper mace, which is an aerosol propelled combination of highly disabling irritant-based products and is also known as oleo-resin capsicum spray, to a minor; or
- another deadly weapon to a minor.

A violator is guilty of a misdemeanor and on conviction is subject to maximum penalties of one year imprisonment and/or \$1,000 fine.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Frederick, Montgomery, and Somerset counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Maryland Department of Health; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2023
km/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510