

Article - Public Safety

§5-204.1.

(a) This section does not apply to:

(1) a sale, rental, or transfer:

(i) involving a licensee or a federally licensed gun manufacturer, dealer, or importer;

(ii) between immediate family members;

(iii) involving law enforcement personnel of any unit of the federal government, a member of the armed forces of the United States, a member of the National Guard, or law enforcement personnel of the State or any local agency in the State, while acting in the scope of official duty;

(iv) of a curio or relic firearm between collectors who each have in their possession a valid collector of curios and relics license, as the terms are defined in federal law or determinations published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(v) of an unserviceable rifle or shotgun sold, rented, or transferred as a curio or museum piece;

(vi) of a rifle or shotgun modified to render it permanently inoperative; or

(vii) in which the purchaser, lessee, or transferee:

1. has a demonstrable religious belief against taking a portrait photograph; and

2. does not possess a license or an identification card of any kind with photographic identification; or

(2) a transfer that occurs by operation of law on the death of a person for whom the transferee is an executor, an administrator, a trustee, or a personal representative of an estate or a trust created in a will.

(b) A person who is not a licensee may not complete a sale, rental, or transfer of a rifle or shotgun other than a regulated firearm, as a purchaser, lessee,

or transferee or seller, lessor, or transferor, unless the person is in compliance with this section.

(c) (1) Before a sale, rental, or transfer is conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee shall both request that a licensee facilitate the sale, rental, or transfer.

(2) (i) A licensee who agrees to facilitate a sale, rental, or transfer under this section shall process the sale, rental, or transfer as though transferring the rifle or shotgun from the licensee's own inventory to the purchaser, lessee, or transferee.

(ii) The licensee shall conduct a background check on the purchaser, lessee, or transferee through the NICS Index and comply with all federal and State law that would apply to the sale, rental, or transfer, including all inventory and record-keeping requirements.

(3) The seller, lessor, or transferor may:

(i) deliver the rifle or shotgun to a licensee; or

(ii) without appearing in person before the licensee, allow another person, to whom the transferor is authorized to transfer the rifle or shotgun, to deliver the rifle or shotgun to the licensee.

(d) (1) The licensee or the seller, lessor, or transferor may not complete the sale, rental, or transfer to the purchaser, lessee, or transferee if the results of the background check indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun.

(2) Unless the seller, lessor, or transferor delivered the rifle or shotgun in accordance with subsection (c)(3)(ii) of this section or otherwise left the rifle or shotgun in the exclusive possession of the licensee, if the results of the background check indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun, the seller, lessor, or transferor may remove the rifle or shotgun from the premises of the licensee or a gun show.

(e) A licensee may charge a reasonable fee for facilitating a sale, rental, or transfer under this section.

(f) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$10,000 or both.

(2) A person who provides false information while conducting a transaction under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(g) A licensee who processes a sale, rental, or transfer under this section may not be held civilly liable for personal injury or property damage resulting from the malfunctioning of a rifle or shotgun if the licensee did not modify or alter the rifle or shotgun.