

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 810
Judiciary

(The Speaker)

Judicial Proceedings

Criminal Law - Rapid-Fire Activator - Switch/Auto-Sear

This bill (1) alters the defined term “rapid fire trigger activator” to be “rapid fire activator” and (2) expands the definition of “rapid fire activator” to include a “switch/auto-sear” for purposes of existing prohibitions and penalties. “Switch/auto-sear” means a device that applies force to a firearm’s trigger bar to prevent it from limiting the weapon to firing only one round each time the trigger is depressed. Nothing in the provisions pertaining to rapid fire activators under § 4-305.1 of the Criminal Law Article is intended to prohibit the otherwise lawful possession of a part or combination of parts by (1) a police officer or other person employed by a law enforcement agency under circumstances in which the officer or other person possesses the part or parts in accordance with authorization given by the law enforcement agency or (2) a person who has registered a machine gun with the Secretary of State Police, as specified, if the part or parts are possessed for use in only, and necessary for the proper function of, a machine gun that is currently registered by the person, as specified.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s expanded application of existing penalty provisions. The Judiciary and other affected State agencies can implement the bill’s provisions with existing budgeted resources.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill’s expanded application of existing penalty provisions. Affected local agencies can implement the bill’s provisions with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law:

Regulation of Firearms – In General

Title 5 of the Public Safety Article regulates firearms and handguns in the State. A regulated firearm is any handgun or any of the 45 assault weapons (or copies) identified in that title. The Firearm Safety Act of 2013 (Chapter 427) modified and expanded the regulation of firearms, firearms dealers, and ammunition in Maryland and made changes to related mental health restrictions on the possession of firearms. Among other things, the Act extended the scope of assault pistol prohibitions to all assault weapons, created a new licensing scheme for handguns under the authority of the Department of State Police (DSP), and imposed restrictions on the capacity of detachable magazines and ammunition.

Assault Weapons and Rapid Fire Trigger Activators

Among its many provisions, the Firearm Safety Act of 2013 created a definition of “assault weapon,” encompassing assault pistols, assault long guns, and copycat weapons. The Act applied existing prohibitions relating to assault pistols to all assault weapons. With specified exceptions, transporting, possessing, selling, offering to sell, transferring, purchasing, or receiving any assault weapon is prohibited. A violator is guilty of a misdemeanor punishable by imprisonment for up to three years and/or a \$5,000 maximum fine.

A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the pistol with DSP before August 1, 1994, may continue to possess and transport the assault pistol. A person who lawfully possessed, had a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013, is allowed to continue to possess and transport the weapon. A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the dealer lawfully possessed on or before October 1, 2013. Chapter 427 also clarified when the inheritance of a prohibited assault weapon is permitted. Chapter 252 of 2018 added rapid fire trigger activators to the provisions relating to assault weapons and allows a person to continue to possess a rapid fire trigger activator if, among other things, they possessed the device and applied for authorization to possess the device from the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives before October 1, 2018.

A person who uses an assault weapon, a rapid fire trigger activator, or a magazine that has a capacity of more than 10 rounds of ammunition in the commission of a felony or a crime of violence (as defined in § 5-101 of the Public Safety Article) is guilty of a misdemeanor and, in addition to any other sentence imposed for the felony or crime of violence, must be sentenced as follows:

- for a first violation, a nonsuspendable, nonparolable, mandatory minimum sentence of 5 years with a maximum imprisonment of 20 years; and
- for each subsequent violation, a mandatory minimum sentence of 10 years with a maximum imprisonment of 20 years (the sentence imposed must be consecutive to and not concurrent with any other sentence imposed for the underlying felony or crime of violence).

A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm. In addition, a person may not (1) transport a rapid fire trigger activator into the State or (2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a rapid fire trigger activator. A violator of either provision is guilty of a misdemeanor and on conviction is subject to maximum penalties of imprisonment for three years and/or a \$5,000 fine.

“Rapid fire trigger activator” means any device, including a removable manual or power-driven activating device, constructed so that, when installed in or attached to a firearm (1) the rate at which the trigger is activated increases or (2) the rate of fire increases. “Rapid fire trigger activator” includes a bump stock, trigger crank, hellfire trigger, binary trigger system, burst trigger system, or a copy or a similar device, regardless of the producer or manufacturer, but does not include a semiautomatic replacement trigger that improves the performance and functionality over the stock trigger.

Machine Guns

Title 4 of the Criminal Law Article contains provisions relating to the use or possession of a firearm, including prohibitions pertaining to machine guns. Among other restrictions, the Uniform Machine Gun Act requires a person who acquires a machine gun to register the machine gun with the Secretary of State Police within 24 hours after acquiring the machine gun and in each succeeding year during the month of May. In addition, the Act prohibits a person from using or possessing a machine gun in the commission or attempted commission of a crime of violence (as defined in § 4-401 of the Criminal Law Article). Violators are guilty of a felony, punishable by imprisonment for up to 20 years. The Act also prohibits a person from possessing or using a machine gun for an offensive or aggressive purpose. Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose if, among other things, the machine gun is in the possession of, or used by an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any state or federal court of the United States. Violators are guilty of a misdemeanor, punishable by imprisonment for up to 10 years. “Machine gun” means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.

Background: In general, a switch/auto sear, also referred to as a “Glock switch,” is a small device that converts a semiautomatic firearm into a machine gun. The devices are illegal under federal law, which defines a machine gun to include any part designed and intended to convert a weapon into a machine gun. According to news reports, as of early February 2024, Baltimore County had three cases where one or more guns had a switch/auto sear. Authorities also believe that an October 2023 mass shooting at Morgan State University involved a gun equipped with a switch/auto sear.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore City; Harford and Montgomery counties; City of College Park; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Health; WBAL TV; United States Attorney’s Office – Southern District of Indiana; Department of Legislative Services

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