

Article - Public Safety

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§5–101.

(a) In this subtitle the following words have the meanings indicated.

(b) “Antique firearm” has the meaning stated in § 4–201 of the Criminal Law Article.

(b–1) (1) “Convicted of a disqualifying crime” includes:

(i) a case in which a person received probation before judgment for a crime of violence; and

(ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6–233 of the Criminal Procedure Article.

(2) “Convicted of a disqualifying crime” does not include a case in which a person received a probation before judgment:

(i) for assault in the second degree, unless the crime was a domestically related crime as defined in § 6–233 of the Criminal Procedure Article; or

(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.

(c) “Crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

(4) burglary in the first, second, or third degree;

(5) carjacking and armed carjacking;

(6) escape in the first degree;

- (7) kidnapping;
- (8) voluntary manslaughter;
- (9) maiming as previously proscribed under former Article 27, § 386 of the Code;
- (10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
- (11) murder in the first or second degree;
- (12) rape in the first or second degree;
- (13) robbery;
- (14) robbery with a dangerous weapon;
- (15) sexual offense in the first, second, or third degree;
- (16) home invasion under § 6–202(b) of the Criminal Law Article;
- (17) a felony offense under Title 3, Subtitle 11 of the Criminal Law Article;
- (18) an attempt to commit any of the crimes listed in items (1) through (17) of this subsection; or
- (19) assault with intent to commit any of the crimes listed in items (1) through (17) of this subsection or a crime punishable by imprisonment for more than 1 year.

(d) “Dealer” means a person who is engaged in the business of:

- (1) selling, renting, or transferring firearms at wholesale or retail; or
- (2) repairing firearms.

(e) “Dealer’s license” means a State regulated firearms dealer’s license.

(f) “Designated law enforcement agency” means a law enforcement agency that the Secretary designates to process applications to purchase regulated firearms for secondary sales.

- (g) “Disqualifying crime” means:
- (1) a crime of violence;
 - (2) a violation classified as a felony in the State; or
 - (3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.
- (h) (1) “Firearm” means:
- (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive;
 - (ii) the frame or receiver of such a weapon; or
 - (iii) an unfinished frame or receiver, as defined in § 5–701 of this title.
- (2) “Firearm” includes a starter gun.
- (i) “Firearm applicant” means a person who makes a firearm application.
- (j) “Firearm application” means an application to purchase, rent, or transfer a regulated firearm.
- (k) “Fugitive from justice” means a person who has fled to avoid prosecution or giving testimony in a criminal proceeding.
- (l) “Habitual drunkard” means a person who has been found guilty of any three crimes under § 21–902(a), (b), or (c) of the Transportation Article, one of which occurred in the past year.
- (m) “Habitual user” means a person who has been found guilty of two controlled dangerous substance crimes, one of which occurred in the past 5 years.
- (n) (1) “Handgun” means a firearm with a barrel less than 16 inches in length.
- (2) “Handgun” includes signal, starter, and blank pistols.
- (o) “Handgun qualification license” means a license issued by the Secretary that authorizes a person to purchase, rent, or receive a handgun.

(p) “Licensee” means a person who holds a dealer’s license.

(q) “Qualified handgun instructor” means a certified firearms instructor who:

(1) is recognized by the Maryland Police and Correctional Training commissions;

(2) has a qualified handgun instructor license issued by the Secretary; or

(3) has a certification issued by a nationally recognized firearms organization.

(r) “Regulated firearm” means:

(1) a handgun; or

(2) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:

(i) American Arms Spectre da Semiautomatic carbine;

(ii) AK–47 in all forms;

(iii) Algimec AGM–1 type semi–auto;

(iv) AR 100 type semi–auto;

(v) AR 180 type semi–auto;

(vi) Argentine L.S.R. semi–auto;

(vii) Australian Automatic Arms SAR type semi–auto;

(viii) Auto–Ordnance Thompson M1 and 1927 semi–automatics;

(ix) Barrett light .50 cal. semi–auto;

(x) Beretta AR70 type semi–auto;

(xi) Bushmaster semi–auto rifle;

- (xii) Calico models M-100 and M-900;
- (xiii) CIS SR 88 type semi-auto;
- (xiv) Claridge HI TEC C-9 carbines;
- (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;
- (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
- (xvii) Dragunov Chinese made semi-auto;
- (xviii) Famas semi-auto (.223 caliber);
- (xix) Feather AT-9 semi-auto;
- (xx) FN LAR and FN FAL assault rifle;
- (xxi) FNC semi-auto type carbine;
- (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- (xxiii) Steyr-AUG-SA semi-auto;
- (xxiv) Galil models AR and ARM semi-auto;
- (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- (xxvi) Holmes model 88 shotgun;
- (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- (xxix) Mandell TAC-1 semi-auto carbine;
- (xxx) Mossberg model 500 Bullpup assault shotgun;
- (xxxi) Sterling Mark 6;
- (xxxii) P.A.W.S. carbine;

- (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- (xxxv) SKS with detachable magazine;
- (xxxvi) AP-74 Commando type semi-auto;
- (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
- (xxxviii) Street sweeper assault type shotgun;
- (xxxix) Striker 12 assault shotgun in all formats;
- (xl) Unique F11 semi-auto type;
- (xli) Daewoo USAS 12 semi-auto shotgun;
- (xlii) UZI 9mm carbine or rifle;
- (xliii) Valmet M-76 and M-78 semi-auto;
- (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- (xlv) Wilkinson Arms 9mm semi-auto "Terry".

(s) "Rent" means the temporary transfer for consideration of a regulated firearm that is taken from the property of the owner of the regulated firearm.

(t) "Secondary sale" means a sale of a regulated firearm in which neither party to the sale:

- (1) is a licensee;
- (2) is licensed by the federal government as a firearms dealer;
- (3) devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of earning a profit through the repeated purchase and resale of firearms; or
- (4) repairs firearms as a regular course of trade or business.

(u) “Secretary” means the Secretary of State Police or the Secretary’s designee.

(v) “Straw purchase” means a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:

- (1) complete the application to purchase a regulated firearm;
- (2) take initial possession of the regulated firearm; and
- (3) subsequently transfer the regulated firearm to the person.

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