

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1287
Judiciary

(Delegate Williams, *et al.*)

Criminal Law - Firearm Crimes - Convertible Pistols

This bill prohibits a person from manufacturing, selling, offering for sale, purchasing, receiving, or transferring a convertible pistol. “Convertible pistol” means any semiautomatic pistol that can be converted into a machine gun solely by the attachment of a switch/auto-sear. Under existing penalties, a violator is guilty of a misdemeanor punishable by imprisonment for up to three years and/or a \$5,000 maximum fine.

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: Potential meaningful.

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 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.

Generally, prohibitions contained in Title 4, Subtitle 3 of the Criminal Law Article (to which the bill is drafted) do not apply to:

- if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the Armed Forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer, as specified;
- a firearm modified to render it permanently inoperative;
- possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is (1) providing or servicing an assault weapon or detachable magazine for an exempted law enforcement unit or for exempted personnel; (2) acting to sell or transfer an assault weapon or detachable magazine to a licensed firearm dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or (3) acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair;
- organizations that are required or authorized by federal law governing their specific business or activity to maintain assault weapons and applicable ammunition and detachable magazines;
- the receipt of an assault weapon or detachable magazine by inheritance, and possession of the inherited assault weapon or detachable magazine, if the decedent lawfully possessed the assault weapon or detachable magazine and the person inheriting the assault weapon or detachable magazine is not otherwise disqualified from possessing a regulated firearm;

- the receipt of an assault weapon or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate;
- possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local unit in the State and is not otherwise prohibited from receiving an assault weapon or detachable magazine if (1) the assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement or (2) the assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency before retirement;
- possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued, as specified; or
- possession, receipt, and testing by, or shipping to or from (1) an ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory or (2) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

In addition, 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.

A person who uses an assault weapon, a rapid fire 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 activator into the State or (2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a rapid fire 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.

A person may continue to possess a rapid fire activator if, among other things, the person (1) possessed the rapid fire activator before October 1, 2018; (2) applied to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2018, for authorization to possess a rapid fire activator; (3) received authorization to possess a rapid fire activator from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2019; and (4) is in compliance with all federal requirements for possession of a rapid fire activator.

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.

“Rapid fire 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 activator” includes a bump stock, trigger crank, hellfire trigger, binary trigger system, burst trigger system, switch/auto-sear, 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.

“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.

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.

Small Business Effect: The bill may have a meaningful impact on small businesses with firearms licenses to the extent that they are unable to manufacture, sell, offer for sale, purchase, receive, or transfer convertible pistols as a result of the bill.

Additional Comments: According to DSP, all semiautomatic firearms, can be converted to be fully automatic with the use of 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): Anne Arundel, Baltimore, and Cecil counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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km/aad

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