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BILL NO.: **HB 810**

TITLE: Criminal Law – Weapon Crimes – Switch/Auto-Sear

SPONSOR: The Speaker of the House

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORTS**

DATE: March 26, 2024

House Bill 810 will add a much-needed prohibition in Maryland’s criminal code for auto-sear devices, commonly referred to as “Glock switches,” enabling local State’s Attorneys to prosecute persons who manufacture, traffic, or possess these dangerous devices. Baltimore County Police are finding switch/auto-sear devices at crime scenes and when executing search warrants.

These small devices, which convert handguns and semi-automatic rifles into fully automatic machine guns, are already illegal under Federal law because the Federal criminal code defines the switch/auto-sear gun part as a “machine gun.” 26 U.S.C. 5845. However, under Maryland’s criminal law, currently the switch/auto-sear itself is not defined as a “machine gun” or otherwise prohibited. Maryland prosecutors are therefore only able to bring a criminal charge if the device is found attached to a firearm.

House Bill 810 as passed by the House of Delegates, adds prohibition of the switch/auto-sear device into Maryland’s criminal code in the same way that “rapid fire trigger activators,” including bump stocks and trigger cranks, are already prohibited. A bump stock, trigger crank, and related devices cause automatic rapid firing by causing a trigger to move repeatedly; the switch/auto-sear causes similar automatic rapid firing with one trigger pull by defeating a different mechanism in the firearm.

Bill sections as passed by the House:

The definition for “switch/auto-sear” provided in the bill as amended accurately describes and defines a switch/auto-sear, commonly referred to as a “Glock switch.” The definition provided in the bill effectively emulates the definition in the Federal criminal code, because “switch/auto-sear” is also added to the list of “rapid fire activator” devices.

In subsection (m), the word “trigger” has been removed from the category; the listed devices are all “rapid fire activators,” including the switch/auto-sear. Crim. Law § 4-301 (m)(1) specifies

that this list “means any device, including a removable manual or power-driven activating device, constructed so that, when installed in or attached to a firearm: (i) the rate at which the trigger is activated increases; or (ii) the rate of fire increases. This is fully consistent with Federal law, which encompasses the switch/auto-sear using the definition of a machine gun as “Any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.” 26 U.S.C. 5845b.

HB 810 as passed by the House removes the word “trigger” from “rapid fire trigger activator” in § 4-305.1, which effectively adds the switch/auto-sear to the list of prohibited devices under Maryland Criminal Law. This also ensures that this legislative change will not affect the valid license held by a person who is authorized by the federal ATF to possess a machine gun even if such a weapon contains a switch/auto-sear device.

HB 810 as passed by the House removes the word “trigger” from “rapid fire trigger activator” in the penalty provision, § 4-306, so that in the future existing penalties under Maryland law for using an assault weapon, rapid fire trigger activator, or high-capacity magazine will also apply for using a switch/auto-sear.

Accordingly, Baltimore County requests a **FAVORABLE** report on House Bill 810 from the Senate Judicial Proceedings Committee. For more information, please contact Jenn Aiosa, Director of Government Affairs, at jaiosa@baltimorecountymd.gov.