

JOHN A. OLSZEWSKI, JR.
County Executive



JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

WILLIAM J. THORNE
Legislative Associate

BILL NO.: **HB 810**

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

SPONSOR: The Speaker of the House

COMMITTEE: Judiciary

POSITION: Support

DATE: February 28, 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.” However, under Maryland’s criminal law, currently the switch/auto-sear itself is not defined as a “machine gun.” Maryland prosecutors are therefore only able to bring a criminal charge if the device is found attached to a firearm.

House Bill 810 will add prohibition of the switch/auto-sear device into Maryland’s criminal code in the same way that a “rapid fire trigger activator,” commonly referred to as a bump stock, is already prohibited. The bump stock causes multiple rapid firing by causing a trigger to move repeatedly; the switch/auto-sear causes similar multiple rapid firing with one trigger pull.

Bill sections:

The definition provided in the bill uses the definition from the Federal criminal code. Federal law defines 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.

The bill modifies Criminal Law section 4-304, which provides for law enforcement to seize unlawful assault weapons as contraband, to add a switch/auto-sear.

The bill adds a section, Criminal Law 4-305.2, prohibiting a person from transporting a switch/auto-sear into Maryland, and prohibits the manufacture, possess, sell, offer to sell, transfer, purchase, or receiving of a switch/auto-sear. This new section mirrors the prohibitions against bump stocks in existing Section 4-305.1. (The additional text in Section 4-305.1(b) is not

applicable for switch/auto-sears, because these devices are already illegal under Federal law and therefore there is no need for grandfathering or licensing provisions.)

Finally, in Section 4-306 – Penalties, the bill adds the use of a switch/auto-sear to the list of offenses with heightened penalties. The use of an assault weapon or a bump stock or a high-capacity magazine is already listed in Section 4-306.

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