

# HOUSE BILL 810

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By: **The Speaker**

Introduced and read first time: January 31, 2024

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – ~~Weapon Crimes~~ Rapid-Fire Activator – Switch/Auto-Sear**

3 FOR the purpose of ~~authorizing a law enforcement unit to seize as contraband and dispose~~  
4 ~~of a certain switch/auto sear in a certain manner; prohibiting a person from~~  
5 ~~transporting a switch/auto sear into the State or manufacturing, possessing, selling,~~  
6 ~~offering to sell, transferring, purchasing, or receiving a switch/auto sear; applying~~  
7 ~~certain penalties to a person who uses a switch/auto sear in the commission of a~~  
8 ~~felony or a certain crime of violence~~ altering the term “rapid fire trigger activator” to  
9 be “rapid fire activator”; adding “switch/auto-sear” to the definition of “rapid fire  
10 activator” for the purposes of certain prohibitions on rapid fire activators; and  
11 generally relating to weapon crimes.

12 BY repealing and reenacting, with amendments,

13 Article – Criminal Law

14 Section 4–301, ~~4–304~~ 4–305.1, and 4–306

15 Annotated Code of Maryland

16 (2021 Replacement Volume and 2023 Supplement)

17 ~~BY adding to~~

18 ~~Article – Criminal Law~~

19 ~~Section 4–305.2~~

20 ~~Annotated Code of Maryland~~

21 ~~(2021 Replacement Volume and 2023 Supplement)~~

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 That the Laws of Maryland read as follows:

2 **Article – Criminal Law**

3 4–301.

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

5 (b) “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the  
6 Public Safety Article.

7 (c) “Assault pistol” means any of the following firearms or a copy regardless of  
8 the producer or manufacturer:

9 (1) AA Arms AP–9 semiautomatic pistol;

10 (2) Bushmaster semiautomatic pistol;

11 (3) Claridge HI–TEC semiautomatic pistol;

12 (4) D Max Industries semiautomatic pistol;

13 (5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

14 (6) Heckler and Koch semiautomatic SP–89 pistol;

15 (7) Holmes MP–83 semiautomatic pistol;

16 (8) Ingram MAC 10/11 semiautomatic pistol and variations including the  
17 Partisan Avenger and the SWD Cobray;

18 (9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;

19 (10) P.A.W.S. type semiautomatic pistol;

20 (11) Skorpion semiautomatic pistol;

21 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

22 (13) UZI semiautomatic pistol;

23 (14) Weaver Arms semiautomatic Nighthawk pistol; or

24 (15) Wilkinson semiautomatic “Linda” pistol.

25 (d) “Assault weapon” means:

1 (1) an assault long gun;

2 (2) an assault pistol; or

3 (3) a copycat weapon.

4 (e) “Binary trigger system” means a device that, when installed in or attached to  
5 a firearm, fires both when the trigger is pulled and on release of the trigger.

6 (f) “Bump stock” means a device that, when installed in or attached to a firearm,  
7 increases the rate of fire of the firearm by using energy from the recoil of the firearm to  
8 generate a reciprocating action that facilitates repeated activation of the trigger.

9 (g) “Burst trigger system” means a device that, when installed in or attached to a  
10 firearm, allows the firearm to discharge two or more shots with a single pull of the trigger  
11 by altering the trigger reset.

12 (h) (1) “Copycat weapon” means:

13 (i) a semiautomatic centerfire rifle that can accept a detachable  
14 magazine and has any two of the following:

15 1. a folding stock;

16 2. a grenade launcher or flare launcher; or

17 3. a flash suppressor;

18 (ii) a semiautomatic centerfire rifle that has a fixed magazine with  
19 the capacity to accept more than 10 rounds;

20 (iii) a semiautomatic centerfire rifle that has an overall length of less  
21 than 29 inches;

22 (iv) a semiautomatic pistol with a fixed magazine that can accept  
23 more than 10 rounds;

24 (v) a semiautomatic shotgun that has a folding stock; or

25 (vi) a shotgun with a revolving cylinder.

26 (2) “Copycat weapon” does not include an assault long gun or an assault  
27 pistol.

28 (i) “Detachable magazine” means an ammunition feeding device that can be  
29 removed readily from a firearm without requiring disassembly of the firearm action or  
30 without the use of a tool, including a bullet or cartridge.

1 (j) “Flash suppressor” means a device that functions, or is intended to function,  
2 to perceptibly reduce or redirect muzzle flash from the shooter’s field of vision.

3 (k) “Hellfire trigger” means a device that, when installed in or attached to a  
4 firearm, disengages the trigger return spring when the trigger is pulled.

5 (l) “Licensed firearms dealer” means a person who holds a dealer’s license under  
6 Title 5, Subtitle 1 of the Public Safety Article.

7 (m) (1) “Rapid fire ~~trigger~~ activator” means any device, including a removable  
8 manual or power-driven activating device, constructed so that, when installed in or  
9 attached to a firearm:

10 (i) the rate at which the trigger is activated increases; or

11 (ii) the rate of fire increases.

12 (2) “Rapid fire ~~trigger~~ activator” includes a bump stock, trigger crank,  
13 hellfire trigger, binary trigger system, burst trigger system, SWITCH/AUTO-SEAR, or a  
14 copy or a similar device, regardless of the producer or manufacturer.

15 (3) “Rapid fire ~~trigger~~ activator” does not include a semiautomatic  
16 replacement trigger that improves the performance and functionality over the stock trigger.

17 (N) “SWITCH/AUTO-SEAR” MEANS A DEVICE THAT IS DESIGNED AND  
18 INTENDED FOR USE IN CONVERTING A FIREARM INTO A WEAPON THAT SHOOTS, IS  
19 DESIGNED TO SHOOT, OR CAN BE READILY RESTORED TO SHOOT AUTOMATICALLY  
20 MORE THAN ONE SHOT, WITHOUT MANUAL RELOADING, BY A SINGLE FUNCTION OF  
21 THE TRIGGER APPLIES FORCE TO A FIREARM’S TRIGGER BAR TO PREVENT IT FROM  
22 LIMITING THE WEAPON TO FIRING ONLY ONE ROUND EACH TIME THE TRIGGER IS  
23 DEPRESSED.

24 [(n)] (O) “Trigger crank” means a device that, when installed in or attached to a  
25 firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever,  
26 or any other part that is turned in a circular motion.

27 ~~4-304.~~

28 ~~A law enforcement unit may seize as contraband and dispose of according to~~  
29 ~~regulation an assault weapon OR A SWITCH/AUTO-SEAR transported, sold, transferred,~~  
30 ~~purchased, received, or possessed in violation of this subtitle.~~

31 ~~4-305.2.~~

32 ~~A PERSON MAY NOT:~~

1 ~~(1) TRANSPORT A SWITCH/AUTO SEAR INTO THE STATE; OR~~

2 ~~(2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER,~~  
3 ~~PURCHASE, OR RECEIVE A SWITCH/AUTO SEAR.~~

4 4-305.1.

5 (a) Except as provided in subsection (b) of this section, a person may not:

6 (1) transport a rapid fire [trigger] activator into the State; or

7 (2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a  
8 rapid fire [trigger] activator.

9 (b) This section does not apply to the possession of a rapid fire [trigger] activator  
10 by a person who:

11 (1) possessed the rapid fire [trigger] activator before October 1, 2018;

12 (2) applied to the federal Bureau of Alcohol, Tobacco, Firearms and  
13 Explosives before October 1, 2018, for authorization to possess a rapid fire [trigger]  
14 activator;

15 (3) received authorization to possess a rapid fire [trigger] activator from  
16 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2019;  
17 and

18 (4) is in compliance with all federal requirements for possession of a rapid  
19 fire [trigger] activator.

20 4-306.

21 (a) Except as otherwise provided in this subtitle, a person who violates this  
22 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not  
23 exceeding 3 years or a fine not exceeding \$5,000 or both.

24 (b) (1) A person who uses an assault weapon, a rapid fire ~~trigger~~ activator, ~~A~~  
25 ~~SWITCH/AUTO SEAR,~~ or a magazine that has a capacity of more than 10 rounds of  
26 ammunition, in the commission of a felony or a crime of violence as defined in § 5-101 of  
27 the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any  
28 other sentence imposed for the felony or crime of violence, shall be sentenced under this  
29 subsection.

30 (2) (i) For a first violation, the person shall be sentenced to  
31 imprisonment for not less than 5 years and not exceeding 20 years.

1 (ii) The court may not impose less than the minimum sentence of 5  
2 years.

3 (iii) The mandatory minimum sentence of 5 years may not be  
4 suspended.

5 (iv) Except as otherwise provided in § 4–305 of the Correctional  
6 Services Article, the person is not eligible for parole in less than 5 years.

7 (3) (i) For each subsequent violation, the person shall be sentenced to  
8 imprisonment for not less than 10 years and not exceeding 20 years.

9 (ii) The court may not impose less than the minimum sentence of 10  
10 years.

11 (iii) A sentence imposed under this paragraph shall be consecutive to  
12 and not concurrent with any other sentence imposed for the felony or crime of violence.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2024.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.