

# SENATE BILL 74

E1, E4

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(PRE-FILED)

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By: **Senator Ramirez**

Requested: October 17, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Firearms Crimes – Bump Stock**

3 FOR the purpose of prohibiting a person from transporting a certain bump stock into the  
4 State or manufacturing, possessing, using, selling, offering to sell, transferring,  
5 purchasing, or receiving a certain bump stock; applying certain penalties;  
6 establishing a certain penalty for using a bump stock in the commission of a certain  
7 crime; defining certain terms; and generally relating to firearms crimes.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 4–301 and 4–306

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2017 Supplement)

13 BY adding to

14 Article – Criminal Law

15 Section 4–305.1

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2017 Supplement)

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

19 That the Laws of Maryland read as follows:

20 **Article – Criminal Law**

21 4–301.

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

23 (b) “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Public Safety Article.

2 (c) "Assault pistol" means any of the following firearms or a copy regardless of  
3 the producer or manufacturer:

4 (1) AA Arms AP-9 semiautomatic pistol;

5 (2) Bushmaster semiautomatic pistol;

6 (3) Claridge HI-TEC semiautomatic pistol;

7 (4) D Max Industries semiautomatic pistol;

8 (5) Encom MK-IV, MP-9, or MP-45 semiautomatic pistol;

9 (6) Heckler and Koch semiautomatic SP-89 pistol;

10 (7) Holmes MP-83 semiautomatic pistol;

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

13 (9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire variation;

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

15 (11) Skorpion semiautomatic pistol;

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

17 (13) UZI semiautomatic pistol;

18 (14) Weaver Arms semiautomatic Nighthawk pistol; or

19 (15) Wilkinson semiautomatic "Linda" pistol.

20 (d) "Assault weapon" means:

21 (1) an assault long gun;

22 (2) an assault pistol; or

23 (3) a copycat weapon.

24 (e) **"BUMP STOCK" MEANS ANY PART OR COMBINATION OF PARTS THAT IS**  
25 **DESIGNED AND FUNCTIONS TO INCREASE THE RATE OF FIRE OF AN ASSAULT**  
26 **WEAPON BUT DOES NOT CONVERT THE ASSAULT WEAPON INTO A MACHINE GUN.**

1           **(F)** (1) “Copycat weapon” means:

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

4   1. a folding stock;

5   2. a grenade launcher or flare launcher; or

6   3. a flash suppressor;

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

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

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

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

14                           (vi) a shotgun with a revolving cylinder.

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

17           **[(f)] (G)** “Detachable magazine” means an ammunition feeding device that can  
18 be removed readily from a firearm without requiring disassembly of the firearm action or  
19 without the use of a tool, including a bullet or cartridge.

20           **[(g)] (H)** “Flash suppressor” means a device that functions, or is intended to  
21 function, to perceptibly reduce or redirect muzzle flash from the shooter’s field of vision.

22           **[(h)] (I)** “Licensed firearms dealer” means a person who holds a dealer’s license  
23 under Title 5, Subtitle 1 of the Public Safety Article.

24           **(J) “MACHINE GUN” HAS THE MEANING STATED IN § 4-401 OF THIS TITLE.**

25   **4-305.1.**

26           **A PERSON MAY NOT:**

27                   **(1) TRANSPORT A BUMP STOCK INTO THE STATE; OR**

1           **(2) MANUFACTURE, POSSESS, USE, SELL, OFFER TO SELL, TRANSFER,**  
2 **PURCHASE, OR RECEIVE A BUMP STOCK.**

3 4–306.

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

7           (b) (1) A person who uses an assault weapon, **A BUMP STOCK**, or a magazine  
8 that has a capacity of more than 10 rounds of ammunition, in the commission of a felony or  
9 a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a  
10 misdemeanor and on conviction, in addition to any other sentence imposed for the felony or  
11 crime of violence, shall be sentenced under this subsection.

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

14                                   (ii) The court may not impose less than the minimum sentence of  
15 5 years.

16                                   (iii) The mandatory minimum sentence of 5 years may not be  
17 suspended.

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

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

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

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

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2018.