

SENATE BILL 908

E4
HB 60/14 – JUD & HGO

8lr0346

By: **Senators Waugh, Bates, Cassilly, Eckardt, Edwards, Hershey, Hough,
Jennings, Klausmeier, Norman, Ready, Salling, and Serafini**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Partial Repeal of Firearms Safety Act of 2013**

3 FOR the purpose of repealing the designation of certain firearms as assault weapons;
4 repealing the prohibition on certain persons transporting an assault weapon into the
5 State or possessing, selling, offering to sell, transferring, purchasing, or receiving an
6 assault weapon; prohibiting, with certain exceptions, a person from transporting an
7 assault pistol into the State or possessing, selling, offering to sell, transferring,
8 purchasing, or receiving an assault pistol; repealing the requirement that a certain
9 person present or possess a certain handgun qualification license issued by the
10 Secretary or certain credentials or identifications before selling, purchasing, renting,
11 transferring, or receiving a certain regulated firearm; repealing certain
12 requirements and procedures for the issuance and renewal of a certain handgun
13 qualification license; repealing the authorization for the Secretary to revoke a certain
14 handgun qualification license under certain circumstances; repealing the
15 requirement for a certain person to return a certain handgun qualification license
16 under certain circumstances; repealing the requirements and procedures for the
17 issuance of a replacement handgun qualification license; repealing certain fees;
18 altering the information required in a certain statement for a certain firearm
19 application; repealing the prohibition from a certain person possessing certain
20 ammunition if the person is prohibited from possessing a certain firearm under
21 certain circumstances; repealing the requirement for a person who moves into the
22 State for the purpose of establishing residency to register certain firearms within a
23 certain period of time with the Secretary of State Police in a certain manner;
24 repealing the requirement that a licensed dealer keep records of all receipts, sales,
25 and other dispositions of firearms affected in connection with the licensed dealer's
26 business; repealing the requirement that the Secretary adopt certain regulations
27 specifying certain information; repealing the requirement that the records that
28 licensed dealers maintain include certain information; repealing certain record
29 keeping requirements to be met when a firearms business is discontinued; repealing
30 the requirement that a licensee respond in a certain way after receipt of a request

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 from the Secretary for certain information; repealing the authorization for the
 2 Secretary to implement a system by which a certain person may request certain
 3 information; repealing the requirement for the Secretary to inspect the inventory
 4 and records of a licensed dealer under certain circumstances; repealing the
 5 requirement for the Secretary to conduct a certain inspection during a certain time;
 6 repealing the requirement that certain persons who sell or transfer regulated
 7 firearms notify certain purchasers or recipients at the time of purchase or transfer
 8 that the purchaser or recipient is required to report a lost or stolen regulated firearm
 9 to a certain law enforcement agency; repealing the requirement that the owner of a
 10 regulated firearm report the loss or theft of a regulated firearm to a certain law
 11 enforcement agency within a certain period of time after the owner discovers the loss
 12 or theft; repealing the requirement for a law enforcement agency on receipt of a
 13 report of a lost or stolen regulated firearm to enter certain information into a certain
 14 database; repealing the authorization for the Secretary, under certain
 15 circumstances, to issue a certain handgun qualification license without an additional
 16 application or fee; altering the definitions of certain terms; making certain
 17 conforming changes; and generally relating to firearms.

18 BY repealing and reenacting, with amendments,

19 Article – Criminal Law

20 Section 4–301 through 4–304 and 4–306 to be under the amended subtitle “Subtitle
 21 3. Assault Pistols and Detachable Magazines”

22 Annotated Code of Maryland

23 (2012 Replacement Volume and 2017 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Public Safety

26 Section 5–101

27 Annotated Code of Maryland

28 (2011 Replacement Volume and 2017 Supplement)

29 BY repealing

30 Article – Public Safety

31 Section 5–117.1, 5–118(b)(4), 5–133.1, 5–143, 5–145, 5–146, and 5–306(d)

32 Annotated Code of Maryland

33 (2011 Replacement Volume and 2017 Supplement)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 35 That the Laws of Maryland read as follows:

36 **Article – Criminal Law**

37 Subtitle 3. Assault [Weapons] **PISTOLS** and Detachable Magazines.

38 4–301.

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

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

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

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

6 (2) Bushmaster semiautomatic pistol;

7 (3) Claridge HI–TEC semiautomatic pistol;

8 (4) D Max Industries semiautomatic pistol;

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

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

11 (7) Holmes MP–83 semiautomatic pistol;

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

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

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

16 (11) Skorpion semiautomatic pistol;

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

18 (13) UZI semiautomatic pistol;

19 (14) Weaver Arms semiautomatic Nighthawk pistol; or

20 (15) Wilkinson semiautomatic "Linda" pistol.

21 [(d) "Assault weapon" means:

22 (1) an assault long gun;

23 (2) an assault pistol; or

24 (3) a copycat weapon.

25 (e) (1) "Copycat weapon" means:

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

- 3 1. a folding stock;
- 4 2. a grenade launcher or flare launcher; or
- 5 3. a flash suppressor;

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

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

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

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

13 (vi) a shotgun with a revolving cylinder.

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

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

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

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

23 4–302.

24 This subtitle does not apply to:

25 (1) if acting within the scope of official business, personnel of the United
26 States government or a unit of that government, members of the armed forces of the United
27 States or of the National Guard, law enforcement personnel of the State or a local unit in
28 the State, or a railroad police officer authorized under Title 3 of the Public Safety Article
29 or 49 U.S.C. § 28101;

30 (2) a firearm modified to render it permanently inoperative;

1 (3) possession, importation, manufacture, receipt for manufacture,
2 shipment for manufacture, storage, purchases, sales, and transport to or by a licensed
3 firearms dealer or manufacturer who is:

4 (i) providing or servicing an assault [weapon] PISTOL or detachable
5 magazine for a law enforcement unit or for personnel exempted under item (1) of this
6 section;

7 (ii) acting to sell or transfer an assault [weapon] PISTOL or
8 detachable magazine to a licensed firearm dealer in another state or to an individual
9 purchaser in another state through a licensed firearms dealer; or

10 (iii) acting to return to a customer in another state an assault weapon
11 transferred to the licensed firearms dealer or manufacturer under the terms of a warranty
12 or for repair;

13 (4) organizations that are required or authorized by federal law governing
14 their specific business or activity to maintain assault [weapons] PISTOLS and applicable
15 ammunition and detachable magazines;

16 (5) the receipt of an assault [weapon] PISTOL or detachable magazine by
17 inheritance, and possession of the inherited assault [weapon] PISTOL or detachable
18 magazine, if the decedent lawfully possessed the assault [weapon] PISTOL or detachable
19 magazine and the person inheriting the assault [weapon] PISTOL or detachable magazine
20 is not otherwise disqualified from possessing a regulated firearm;

21 (6) the receipt of an assault [weapon] PISTOL or detachable magazine by
22 a personal representative of an estate for purposes of exercising the powers and duties of a
23 personal representative of an estate;

24 (7) possession by a person who is retired in good standing from service with
25 a law enforcement agency of the State or a local unit in the State and is not otherwise
26 prohibited from receiving an assault weapon or detachable magazine if:

27 (i) the assault weapon or detachable magazine is sold or transferred
28 to the person by the law enforcement agency on retirement; or

29 (ii) the assault weapon or detachable magazine was purchased or
30 obtained by the person for official use with the law enforcement agency before retirement;

31 (8) possession or transport by an employee of an armored car company if
32 the individual is acting within the scope of employment and has a permit issued under Title
33 5, Subtitle 3 of the Public Safety Article; or

34 (9) possession, receipt, and testing by, or shipping to or from:

1 (i) an ISO 17025 accredited, National Institute of
2 Justice–approved ballistics testing laboratory; or

3 (ii) a facility or entity that manufactures or provides research and
4 development testing, analysis, or engineering for personal protective equipment or vehicle
5 protection systems.

6 4–303.

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

8 (1) transport an assault [weapon] **PISTOL** into the State; or

9 (2) possess, sell, offer to sell, transfer, purchase, or receive an assault
10 [weapon] **PISTOL**.

11 (b) [(1)] A person who lawfully possessed an assault pistol before June 1, 1994,
12 and who registered the assault pistol with the Secretary of State Police before August 1,
13 1994, may:

14 [(i)] (1) continue to possess and transport the assault pistol; or

15 [(ii)] (2) while carrying a court order requiring the surrender of the
16 assault pistol, transport the assault pistol directly to the law enforcement unit, barracks,
17 or station if the person has notified the law enforcement unit, barracks, or station that the
18 person is transporting the assault pistol in accordance with a court order and the assault
19 pistol is unloaded.

20 [(2)] A licensed firearms dealer may continue to possess, sell, offer for sale,
21 or transfer an assault long gun or a copycat weapon that the licensed firearms dealer
22 lawfully possessed on or before October 1, 2013.

23 (3) A person who lawfully possessed, has a purchase order for, or completed
24 an application to purchase an assault long gun or a copycat weapon before October 1, 2013,
25 may:

26 (i) possess and transport the assault long gun or copycat weapon; or

27 (ii) while carrying a court order requiring the surrender of the
28 assault long gun or copycat weapon, transport the assault long gun or copycat weapon
29 directly to the law enforcement unit, barracks, or station if the person has notified the law
30 enforcement unit, barracks, or station that the person is transporting the assault long gun
31 or copycat weapon in accordance with a court order and the assault long gun or copycat
32 weapon is unloaded.

1 (4) A person may transport an assault weapon to or from:

2 (i) an ISO 17025 accredited, National Institute of
3 Justice–approved ballistics testing laboratory; or

4 (ii) a facility or entity that manufactures or provides research and
5 development testing, analysis, or engineering for personal protective equipment or vehicle
6 protection systems.]

7 4–304.

8 A law enforcement unit may seize as contraband and dispose of according to
9 regulation an assault [weapon] PISTOL transported, sold, transferred, purchased, received,
10 or possessed in violation of this subtitle.

11 4–306.

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

15 (b) (1) A person who uses an assault [weapon] PISTOL, or a magazine that has
16 a capacity of more than 10 rounds of ammunition, in the commission of a felony or a crime
17 of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and
18 on conviction, in addition to any other sentence imposed for the felony or crime of violence,
19 shall be sentenced under this subsection.

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

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

24 (iii) The mandatory minimum sentence of 5 years may not be
25 suspended.

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

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

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

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

Article – Public Safety

5–101.

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

(b) “Antique firearm” has the meaning stated in § 4–201 of the Criminal Law Article.

(b–1) (1) “Convicted of a disqualifying crime” includes:

(i) a case in which a person received probation before judgment for a crime of violence; and

(ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6–233 of the Criminal Procedure Article.

(2) “Convicted of a disqualifying crime” does not include a case in which a person received a probation before judgment:

(i) for assault in the second degree, unless the crime was a domestically related crime as defined in § 6–233 of the Criminal Procedure Article; or

(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.

(c) “Crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

(4) burglary in the first, second, or third degree;

(5) carjacking and armed carjacking;

(6) escape in the first degree;

(7) kidnapping;

(8) voluntary manslaughter;

(9) maiming as previously proscribed under former Article 27, § 386 of the Code;

- 1 (10) mayhem as previously proscribed under former Article 27, § 384 of the
2 Code;
- 3 (11) murder in the first or second degree;
- 4 (12) rape in the first or second degree;
- 5 (13) robbery;
- 6 (14) robbery with a dangerous weapon;
- 7 (15) sexual offense in the first, second, or third degree;
- 8 (16) home invasion under § 6–202(b) of the Criminal Law Article;
- 9 (17) an attempt to commit any of the crimes listed in items (1) through (16)
10 of this subsection; or

11 (18) assault with intent to commit any of the crimes listed in items (1)
12 through (16) of this subsection or a crime punishable by imprisonment for more than 1 year.

13 (d) “Dealer” means a person who is engaged in the business of:

- 14 (1) selling, renting, or transferring firearms at wholesale or retail; or
- 15 (2) repairing firearms.

16 (e) “Dealer’s license” means a State regulated firearms dealer’s license.

17 (f) “Designated law enforcement agency” means a law enforcement agency that
18 the Secretary designates to process applications to purchase regulated firearms for
19 secondary sales.

20 (g) “Disqualifying crime” means:

- 21 (1) a crime of violence;
- 22 (2) a violation classified as a felony in the State; or
- 23 (3) a violation classified as a misdemeanor in the State that carries a
24 statutory penalty of more than 2 years.

25 (h) (1) “Firearm” means:

- 26 (i) a weapon that expels, is designed to expel, or may readily be
27 converted to expel a projectile by the action of an explosive; or

1 (ii) the frame or receiver of such a weapon.

2 (2) "Firearm" includes a starter gun.

3 (i) "Firearm applicant" means a person who makes a firearm application.

4 (j) "Firearm application" means an application to purchase, rent, or transfer a
5 regulated firearm.

6 (k) "Fugitive from justice" means a person who has fled to avoid prosecution or
7 giving testimony in a criminal proceeding.

8 (l) "Habitual drunkard" means a person who has been found guilty of any three
9 crimes under § 21-902(a), (b), or (c) of the Transportation Article, one of which occurred in
10 the past year.

11 (m) "Habitual user" means a person who has been found guilty of two controlled
12 dangerous substance crimes, one of which occurred in the past 5 years.

13 (n) (1) "Handgun" means a firearm with a barrel less than 16 inches in length.

14 (2) "Handgun" includes signal, starter, and blank pistols.

15 (o) ["Handgun qualification license" means a license issued by the Secretary that
16 authorizes a person to purchase, rent, or receive a handgun.

17 (p)] "Licensee" means a person who holds a dealer's license.

18 [(q)] (P) "Qualified handgun instructor" means a certified firearms instructor
19 who:

20 (1) is recognized by the Maryland Police and Correctional Training
21 commissions;

22 (2) has a qualified handgun instructor license issued by the Secretary; or

23 (3) has a certification issued by a nationally recognized firearms
24 organization.

25 [(r)] (Q) "Regulated firearm" means:

26 (1) a handgun; or

27 (2) a firearm that is any of the following specific assault weapons or their
28 copies, regardless of which company produced and manufactured that assault weapon:

- 1 (i) American Arms Spectre da Semiautomatic carbine;
- 2 (ii) AK-47 in all forms;
- 3 (iii) Algimec AGM-1 type semi-auto;
- 4 (iv) AR 100 type semi-auto;
- 5 (v) AR 180 type semi-auto;
- 6 (vi) Argentine L.S.R. semi-auto;
- 7 (vii) Australian Automatic Arms SAR type semi-auto;
- 8 (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- 9 (ix) Barrett light .50 cal. semi-auto;
- 10 (x) Beretta AR70 type semi-auto;
- 11 (xi) Bushmaster semi-auto rifle;
- 12 (xii) Calico models M-100 and M-900;
- 13 (xiii) CIS SR 88 type semi-auto;
- 14 (xiv) Claridge HI TEC C-9 carbines;
- 15 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15
16 Sporter H-BAR rifle;
- 17 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and
18 K-2;
- 19 (xvii) Dragunov Chinese made semi-auto;
- 20 (xviii) Famas semi-auto (.223 caliber);
- 21 (xix) Feather AT-9 semi-auto;
- 22 (xx) FN LAR and FN FAL assault rifle;
- 23 (xxi) FNC semi-auto type carbine;
- 24 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 25 (xxiii) Steyr-AUG-SA semi-auto;

- 1 (xxiv) Galil models AR and ARM semi-auto;
- 2 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 3 (xxvi) Holmes model 88 shotgun;
- 4 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- 5 (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- 6 (xxix) Mandell TAC-1 semi-auto carbine;
- 7 (xxx) Mossberg model 500 Bullpup assault shotgun;
- 8 (xxxi) Sterling Mark 6;
- 9 (xxxii) P.A.W.S. carbine;
- 10 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- 11 (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- 12 (xxxv) SKS with detachable magazine;
- 13 (xxxvi) AP-74 Commando type semi-auto;
- 14 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3,
15 M-21 sniper rifle, M1A, excluding the M1 Garand;
- 16 (xxxviii) Street sweeper assault type shotgun;
- 17 (xxxix) Striker 12 assault shotgun in all formats;
- 18 (xl) Unique F11 semi-auto type;
- 19 (xli) Daewoo USAS 12 semi-auto shotgun;
- 20 (xlii) UZI 9mm carbine or rifle;
- 21 (xliii) Valmet M-76 and M-78 semi-auto;
- 22 (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- 23 (xlv) Wilkinson Arms 9mm semi-auto "Terry".

24 [(s)] (R) "Rent" means the temporary transfer for consideration of a regulated

1 firearm that is taken from the property of the owner of the regulated firearm.

2 **[(t)] (S)** “Secondary sale” means a sale of a regulated firearm in which neither
3 party to the sale:

4 (1) is a licensee;

5 (2) is licensed by the federal government as a firearms dealer;

6 (3) devotes time, attention, and labor to dealing in firearms as a regular
7 course of trade or business with the principal objective of earning a profit through the
8 repeated purchase and resale of firearms; or

9 (4) repairs firearms as a regular course of trade or business.

10 **[(u)] (T)** “Secretary” means the Secretary of State Police or the Secretary’s
11 designee.

12 **[(v)] (U)** “Straw purchase” means a sale of a regulated firearm in which a person
13 uses another, known as the straw purchaser, to:

14 (1) complete the application to purchase a regulated firearm;

15 (2) take initial possession of the regulated firearm; and

16 (3) subsequently transfer the regulated firearm to the person.

17 **[5–117.1.**

18 (a) This section does not apply to:

19 (1) a licensed firearms manufacturer;

20 (2) a law enforcement officer or person who is retired in good standing from
21 service with a law enforcement agency of the United States, the State, or a local law
22 enforcement agency of the State;

23 (3) a member or retired member of the armed forces of the United States
24 or the National Guard; or

25 (4) a person purchasing, renting, or receiving an antique, curio, or relic
26 firearm, as defined in federal law or in determinations published by the Bureau of Alcohol,
27 Tobacco, Firearms and Explosives.

28 (b) A dealer or any other person may not sell, rent, or transfer a handgun to a
29 purchaser, lessee, or transferee unless the purchaser, lessee, or transferee presents to the
30 dealer or other person a valid handgun qualification license issued to the purchaser, lessee,

1 or transferee by the Secretary under this section.

2 (c) A person may purchase, rent, or receive a handgun only if the person:

3 (1) (i) possesses a valid handgun qualification license issued to the
4 person by the Secretary in accordance with this section;

5 (ii) possesses valid credentials from a law enforcement agency or
6 retirement credentials from a law enforcement agency;

7 (iii) is an active or retired member of the armed forces of the United
8 States or the National Guard and possesses a valid military identification card; or

9 (iv) is purchasing, renting, or receiving an antique, curio, or relic
10 firearm, as defined in federal law or in determinations published by the Bureau of Alcohol,
11 Tobacco, Firearms and Explosives; and

12 (2) is not otherwise prohibited from purchasing or possessing a handgun
13 under State or federal law.

14 (d) Subject to subsections (f) and (g) of this section, the Secretary shall issue a
15 handgun qualification license to a person who the Secretary finds:

16 (1) is at least 21 years old;

17 (2) is a resident of the State;

18 (3) except as provided in subsection (e) of this section, has demonstrated
19 satisfactory completion, within 3 years prior to the submission of the application, of a
20 firearms safety training course approved by the Secretary that includes:

21 (i) a minimum of 4 hours of instruction by a qualified handgun
22 instructor;

23 (ii) classroom instruction on:

24 1. State firearm law;

25 2. home firearm safety; and

26 3. handgun mechanisms and operation; and

27 (iii) a firearms orientation component that demonstrates the person's
28 safe operation and handling of a firearm; and

29 (4) based on an investigation, is not prohibited by federal or State law from
30 purchasing or possessing a handgun.

1 (e) An applicant for a handgun qualification license is not required to complete a
2 firearms safety training course under subsection (d) of this section if the applicant:

3 (1) has completed a certified firearms training course approved by the
4 Secretary;

5 (2) has completed a course of instruction in competency and safety in the
6 handling of firearms prescribed by the Department of Natural Resources under § 10–301.1
7 of the Natural Resources Article;

8 (3) is a qualified handgun instructor;

9 (4) is an honorably discharged member of the armed forces of the United
10 States or the National Guard;

11 (5) is an employee of an armored car company and has a permit issued
12 under Title 5, Subtitle 3 of the Public Safety Article; or

13 (6) lawfully owns a regulated firearm.

14 (f) (1) In this subsection, “Central Repository” means the Criminal Justice
15 Information System Central Repository of the Department of Public Safety and
16 Correctional Services.

17 (2) The Secretary shall apply to the Central Repository for a State and
18 national criminal history records check for each applicant for a handgun qualification
19 license.

20 (3) As part of the application for a criminal history records check, the
21 Secretary shall submit to the Central Repository:

22 (i) a complete set of the applicant’s legible fingerprints taken in a
23 format approved by the Director of the Central Repository and the Director of the Federal
24 Bureau of Investigation;

25 (ii) the fee authorized under § 10–221(b)(7) of the Criminal
26 Procedure Article for access to Maryland criminal history records; and

27 (iii) the mandatory processing fee required by the Federal Bureau of
28 Investigation for a national criminal history records check.

29 (4) The Central Repository shall provide a receipt to the applicant for the
30 fees paid in accordance with paragraph (3)(ii) and (iii) of this subsection.

31 (5) In accordance with §§ 10–201 through 10–234 of the Criminal
32 Procedure Article, the Central Repository shall forward to the applicant and the Secretary

1 a printed statement of the applicant's criminal history information.

2 (6) Information obtained from the Central Repository under this section:

3 (i) is confidential and may not be disseminated; and

4 (ii) shall be used only for the licensing purpose authorized by this
5 section.

6 (7) If criminal history record information is reported to the Central
7 Repository after the date of the initial criminal history records check, the Central
8 Repository shall provide to the Department of State Police Licensing Division a revised
9 printed statement of the applicant's or licensee's State criminal history record.

10 (g) An applicant for a handgun qualification license shall submit to the Secretary:

11 (1) an application in the manner and format designated by the Secretary;

12 (2) a nonrefundable application fee to cover the costs to administer the
13 program of up to \$50;

14 (3) (i) proof of satisfactory completion of:

15 1. a firearms safety training course approved by the
16 Secretary; or

17 2. a course of instruction in competency and safety in the
18 handling of firearms prescribed by the Department of Natural Resources under § 10-301.1
19 of the Natural Resources Article; or

20 (ii) a valid firearms instructor certification;

21 (4) any other identifying information or documentation required by the
22 Secretary; and

23 (5) a statement made by the applicant under the penalty of perjury that
24 the applicant is not prohibited under federal or State law from possessing a handgun.

25 (h) (1) Within 30 days after receiving a properly completed application, the
26 Secretary shall issue to the applicant:

27 (i) a handgun qualification license if the applicant is approved; or

28 (ii) a written denial of the application that contains:

29 1. the reason the application was denied; and

1 2. a statement of the applicant's appeal rights under
2 subsection (l) of this section.

3 (2) (i) An individual whose fingerprints have been submitted to the
4 Central Repository, and whose application has been denied, may request that the record of
5 the fingerprints be expunged by obliteration.

6 (ii) Proceedings to expunge a record under this paragraph shall be
7 conducted in accordance with § 10–105 of the Criminal Procedure Article.

8 (iii) On receipt of an order to expunge a fingerprint record, the
9 Central Repository shall expunge by obliteration the fingerprints submitted as part of the
10 application process.

11 (iv) An individual may not be charged a fee for the expungement of a
12 fingerprint record in accordance with this paragraph.

13 (i) A handgun qualification license issued under this section expires 10 years
14 from the date of issuance.

15 (j) (1) The handgun qualification license may be renewed for successive
16 periods of 10 years each if, at the time of an application for renewal, the applicant:

17 (i) possesses the qualifications for the issuance of the handgun
18 qualification license; and

19 (ii) submits a nonrefundable application fee to cover the costs to
20 administer the program up to \$20.

21 (2) An applicant renewing a handgun qualification license under this
22 subsection is not required to:

23 (i) complete the firearms safety training course required in
24 subsection (d)(3) of this section; or

25 (ii) submit to a State and national criminal history records check as
26 required in subsection (f) of this section.

27 (k) (1) The Secretary may revoke a handgun qualification license issued or
28 renewed under this section on a finding that the licensee no longer satisfies the
29 qualifications set forth in subsection (d) of this section.

30 (2) A person holding a handgun qualification license that has been revoked
31 by the Secretary shall return the license to the Secretary within 5 days after receipt of the
32 notice of revocation.

33 (l) (1) A person whose original or renewal application for a handgun

1 qualification license is denied or whose handgun qualification license is revoked, may
2 submit a written request to the Secretary for a hearing within 30 days after the date the
3 written notice of the denial or revocation was sent to the aggrieved person.

4 (2) A hearing under this section shall be granted by the Secretary within
5 15 days after the request.

6 (3) A hearing and any subsequent proceedings of judicial review under this
7 section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government
8 Article.

9 (4) A hearing under this section shall be held in the county of the legal
10 residence of the aggrieved person.

11 (m) (1) If an original or renewal handgun qualification license is lost or stolen,
12 a person may submit a written request to the Secretary for a replacement license.

13 (2) Unless the applicant is otherwise disqualified, the Secretary shall issue
14 a replacement handgun qualification license on receipt of a written request and a
15 nonrefundable fee to cover the cost of replacement up to \$20.

16 (n) The Secretary may adopt regulations to carry out the provisions of this
17 section.]

18 5-118.

19 (b) A firearm application shall contain:

20 [(4) unless the applicant is excluded under § 5-117.1(a) of this subtitle, the
21 applicant's handgun qualification license number.]

22 [5-133.1.

23 (a) In this section, "ammunition" means a cartridge, shell, or any other device
24 containing explosive or incendiary material designed and intended for use in a firearm.

25 (b) A person may not possess ammunition if the person is prohibited from
26 possessing a regulated firearm under § 5-133(b) or (c) of this subtitle.

27 (c) A person who violates this section is guilty of a misdemeanor and on conviction
28 is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.]

29 [5-143.

30 (a) (1) A person who moves into the State with the intent of becoming a
31 resident shall register all regulated firearms with the Secretary within 90 days after

1 establishing residency.

2 (2) The Secretary shall prepare and, on request of an applicant, provide an
3 application form for registration under this section.

4 (b) An application for registration under this section shall contain:

5 (1) the make, model, manufacturer's serial number, caliber, type, barrel
6 length, finish, and country of origin of each regulated firearm; and

7 (2) the firearm applicant's name, address, Social Security number, place
8 and date of birth, height, weight, race, eye and hair color, signature, driver's or
9 photographic identification Soundex number, and occupation.

10 (c) An application for registration filed with the Secretary of State Police shall be
11 accompanied by a nonrefundable total registration fee of \$15, regardless of the number of
12 firearms registered.

13 (d) Registration data provided under this section is not open to public inspection.]

14 [5-145.

15 (a) (1) A licensed dealer shall keep records of all receipts, sales, and other
16 dispositions of firearms affected in connection with the licensed dealer's business.

17 (2) The Secretary shall adopt regulations specifying:

18 (i) subject to paragraph (3) of this subsection, the information that
19 the records shall contain;

20 (ii) the time period for which the records are to be kept; and

21 (iii) the form in which the records are to be kept.

22 (3) The records shall include:

23 (i) the name and address of each person from whom the dealer
24 acquires a firearm and to whom the dealer sells or otherwise disposes of a firearm;

25 (ii) a precise description, including make, model, caliber, and serial
26 number of each firearm acquired, sold, or otherwise disposed of; and

27 (iii) the date of each acquisition, sale, or other disposition.

28 (4) Records maintained under 18 U.S.C. § 923(g)(1)(a) may be used to
29 satisfy the requirements of this section, if the Secretary is granted access to those records.

1 (b) (1) When required by a letter issued by the Secretary, a licensee shall
2 submit to the Secretary the information required to be kept under subsection (a) of this
3 section for the time periods specified by the Secretary.

4 (2) The Secretary shall determine the form and method by which the
5 records shall be maintained.

6 (c) When a firearms business is discontinued and succeeded by a new licensee,
7 the records required to be kept under this section shall reflect the business discontinuance
8 and succession and shall be delivered to the successor licensee.

9 (d) (1) A licensee shall respond within 48 hours after receipt of a request from
10 the Secretary for information contained in the records required to be kept under this section
11 when the information is requested in connection with a bona fide criminal investigation.

12 (2) The information requested under this subsection shall be provided
13 orally or in writing, as required by the Secretary.

14 (3) The Secretary may implement a system by which a licensee can
15 positively establish that a person requesting information by telephone is authorized by the
16 Secretary to request the information.

17 (e) The Secretary may make available to a federal, State, or local law enforcement
18 agency any information that the Secretary obtains under this section relating to the
19 identities of persons who have unlawfully purchased or received firearms.

20 (f) The Secretary:

21 (1) shall inspect the inventory and records of a licensed dealer at least once
22 every 2 years; and

23 (2) may inspect the inventory and records at any time during the normal
24 business hours of the licensed dealer's business.

25 (g) (1) A person who violates this section is subject to a civil penalty not
26 exceeding \$1,000 imposed by the Secretary.

27 (2) For a second or subsequent offense, a person who knowingly violates
28 this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years
29 or a fine not exceeding \$10,000 or both.

30 (3) The penalties provided in this subsection are not intended to apply to
31 inconsequential or inadvertent errors.]

32 [5-146.

33 (a) A dealer or any other person who sells or transfers a regulated firearm shall

1 notify the purchaser or recipient of the regulated firearm at the time of purchase or transfer
2 that the purchaser or recipient is required to report a lost or stolen regulated firearm to the
3 local law enforcement agency as required under subsection (b) of this section.

4 (b) If a regulated firearm is lost or stolen, the owner of the regulated firearm shall
5 report the loss or theft to the local law enforcement agency within 72 hours after the owner
6 first discovers the loss or theft.

7 (c) On receipt of a report of a lost or stolen regulated firearm, a local law
8 enforcement agency shall report to the Secretary and enter into the National Crime
9 Information Center (NCIC) database, to the extent known, the caliber, make, model,
10 manufacturer, and serial number of the regulated firearm and any other distinguishing
11 number or identification mark on the regulated firearm.

12 (d) (1) A knowing and willful first-time violation of this section is a civil
13 offense punishable by a fine not exceeding \$500.

14 (2) A person who knowingly and willfully violates this section for a second
15 or subsequent time is guilty of a misdemeanor and on conviction is subject to imprisonment
16 not exceeding 90 days or a fine not exceeding \$500 or both.

17 (e) The imposition of a civil or criminal penalty under this section does not
18 preclude the pursuit of any other civil remedy or criminal prosecution authorized by law.]

19 5-306.

20 [(d) The Secretary may issue a handgun qualification license, without an
21 additional application or fee, to a person who:

22 (1) meets the requirements for issuance of a permit under this section; and

23 (2) does not have a handgun qualification license issued under §
24 5-117.1 of this title.]

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