

HOUSE BILL 740

E1

9lr0311
CF 9lr0408

By: **Delegates Dumais, Atterbeary, Acevero, Anderson, Bagnall, B. Barnes, D. Barnes, Barron, Barve, Boyce, Branch, Brooks, Busch, Cain, Cardin, Carr, Chang, Charkoudian, Crutchfield, D.M. Davis, D.E. Davis, Ebersole, Feldmark, Fennell, W. Fisher, Fraser-Hidalgo, Gaines, Gilchrist, Glenn, Guyton, Harrison, Haynes, Healey, Hettleman, Hill, Holmes, Jackson, Johnson, Jones, Kaiser, Kelly, Korman, Krimm, Lafferty, J. Lewis, R. Lewis, Lierman, Lisanti, Lopez, Love, Luedtke, McIntosh, Moon, Mosby, Palakovich Carr, Patterson, Pena-Melnyk, Pendergrass, Qi, Queen, Reznik, Rogers, Rosenberg, Shetty, Solomon, Stein, Stewart, Sydnor, Terrasa, Turner, Valderrama, Valentino-Smith, Walker, R. Watson, Wilkins, K. Young, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Firearms – Computer-Aided Fabrication and Serial Number**
3 **(3-D Printed Firearms and Ghost Guns)**

4 FOR the purpose of prohibiting a person from transporting into the State a certain firearm
5 that is not imprinted with a certain serial number or manufacturing, possessing,
6 selling, offering to sell, transferring, purchasing, or receiving a certain firearm that
7 is not imprinted with a certain serial number; prohibiting a person from using a
8 certain computer-aided fabrication device to manufacture a certain firearm;
9 prohibiting a person from possessing, selling, offering to sell, transferring,
10 purchasing, or receiving a certain firearm manufactured using a certain
11 computer-aided fabrication device; establishing certain exceptions to certain
12 prohibitions established under this Act; establishing certain penalties; defining
13 certain terms; and generally relating to firearms.

14 BY adding to

15 Article – Criminal Law

16 Section 4-111 and 4-601 through 4-604 to be under the new subtitle “Subtitle 6.
17 Computer-Aided Firearm Fabrication”

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Criminal Law
3 Section 4–201(b), 4–204(a), and 7–302(a)(1), (4), (5), (6), (8), (10), and (11)
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2018 Supplement)

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

8 **Article – Criminal Law**

9 **4–111.**

10 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
11 **INDICATED.**

12 **(2) “ANTIQUE FIREARM” HAS THE MEANING STATED IN § 4–201 OF**
13 **THIS TITLE.**

14 **(3) “FEDERALLY LICENSED FIREARMS MANUFACTURER OR**
15 **IMPORTER” MEANS A PERSON LICENSED BY THE FEDERAL BUREAU OF ALCOHOL,**
16 **TOBACCO, FIREARMS AND EXPLOSIVES TO MANUFACTURE OR IMPORT FIREARMS.**

17 **(4) “FIREARM” MEANS:**

18 **(I) A WEAPON, OTHER THAN AN ANTIQUE FIREARM, THAT**
19 **EXPELS, IS DESIGNED TO EXPEL, OR MAY READILY BE CONVERTED TO EXPEL A**
20 **PROJECTILE BY THE ACTION OF AN EXPLOSIVE; OR**

21 **(II) THE FRAME OR RECEIVER OF SUCH A WEAPON.**

22 **(B) A PERSON MAY NOT:**

23 **(1) TRANSPORT INTO THE STATE A FIREARM MANUFACTURED AFTER**
24 **1968 THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED BY A FEDERALLY**
25 **LICENSED FIREARMS MANUFACTURER OR IMPORTER; OR**

26 **(2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER,**
27 **PURCHASE, OR RECEIVE A FIREARM MANUFACTURED AFTER 1968 THAT IS NOT**
28 **IMPRINTED WITH A SERIAL NUMBER ISSUED BY A FEDERALLY LICENSED FIREARMS**
29 **MANUFACTURER OR IMPORTER.**

30 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
31 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A**

1 FINE NOT EXCEEDING \$5,000 OR BOTH.

2 4-201.

3 (b) "Antique firearm" means:

4 (1) a firearm, including a firearm with a matchlock, flintlock, percussion
5 cap, or similar ignition system, manufactured before 1899; or

6 (2) a replica of a firearm described in item (1) of this subsection that:

7 (i) is not designed or redesigned to use rimfire or conventional
8 centerfire fixed ammunition; or

9 (ii) uses rimfire or conventional centerfire fixed ammunition that is
10 no longer manufactured in the United States and is not readily available in the ordinary
11 channels of commercial trade.

12 4-204.

13 (a) (1) In this section, "firearm" means:

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

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

17 (2) "Firearm" includes an antique firearm, handgun, rifle, shotgun,
18 short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether
19 loaded or unloaded.

20 **SUBTITLE 6. COMPUTER-AIDED FIREARM FABRICATION.**

21 **4-601.**

22 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

24 **(B) "COMPUTER" HAS THE MEANING STATED IN § 7-302 OF THIS ARTICLE.**

25 **(C) (1) "COMPUTER-AIDED FABRICATION DEVICE" MEANS A**
26 **COMPUTER-CONTROLLED DEVICE OR MACHINE CAPABLE OF OPERATING:**

27 **(I) ON PHYSICAL MATERIAL OR MEDIA TO MANUFACTURE OR**
28 **FABRICATE AN OBJECT;**

1 (II) USING SPECIFICATIONS CONTAINED IN COMPUTER
2 CONTROL LANGUAGE, A COMPUTER PROGRAM, COMPUTER SOFTWARE, OR A
3 COMPUTER DATABASE; AND

4 (III) WITHOUT THE DIRECT AND CONTINUOUS CONTROL OF A
5 PERSON.

6 (2) “COMPUTER-AIDED FABRICATION DEVICE” INCLUDES A
7 COMPUTER-CONTROLLED:

8 (I) 3-D PRINTER;

9 (II) CUTTING MACHINE;

10 (III) ELECTRICAL DISCHARGE MACHINE; AND

11 (IV) MILLING MACHINE.

12 (D) “COMPUTER CONTROL LANGUAGE” HAS THE MEANING STATED IN §
13 7-302 OF THIS ARTICLE.

14 (E) “COMPUTER DATABASE” HAS THE MEANING STATED IN § 7-302 OF THIS
15 ARTICLE.

16 (F) “COMPUTER PROGRAM” HAS THE MEANING STATED IN § 7-302 OF THIS
17 ARTICLE.

18 (G) “COMPUTER SOFTWARE” HAS THE MEANING STATED IN § 7-302 OF THIS
19 ARTICLE.

20 (H) “COMPUTER SYSTEM” HAS THE MEANING STATED IN § 7-302 OF THIS
21 ARTICLE.

22 (I) “FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER”
23 HAS THE MEANING STATED IN § 4-111 OF THIS ARTICLE.

24 (J) “FIREARM” HAS THE MEANING STATED IN § 4-204 OF THIS TITLE.
25 4-602.

26 THIS SUBTITLE DOES NOT APPLY TO:

27 (1) THE MANUFACTURE OR POSSESSION OF A FIREARM:

1 **(I) FOR TESTING OR EXPERIMENTATION AUTHORIZED BY THE**
2 **SECRETARY OF STATE POLICE OR THE SECRETARY’S DESIGNEE; OR**

3 **(II) BY A FEDERALLY LICENSED GUN MANUFACTURER; OR**

4 **(2) THE POSSESSION OF A FIREARM MANUFACTURED BY A**
5 **FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER.**

6 **4-603.**

7 **(A) A PERSON MAY NOT USE A COMPUTER-AIDED FABRICATION DEVICE TO**
8 **MANUFACTURE A FIREARM THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED**
9 **BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER.**

10 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
11 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A**
12 **FINE NOT EXCEEDING \$5,000 OR BOTH.**

13 **4-604.**

14 **(A) A PERSON MAY NOT POSSESS, SELL, OFFER TO SELL, TRANSFER,**
15 **PURCHASE, OR RECEIVE A FIREARM MANUFACTURED USING A COMPUTER-AIDED**
16 **FABRICATION DEVICE UNLESS THE FIREARM IS IMPRINTED WITH A SERIAL NUMBER**
17 **ISSUED BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER.**

18 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
19 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A**
20 **FINE NOT EXCEEDING \$5,000 OR BOTH.**

21 **7-302.**

22 (a) (1) In this section the following words have the meanings indicated.

23 (4) (i) “Computer” means an electronic, magnetic, optical, organic, or
24 other data processing device or system that performs logical, arithmetic, memory, or
25 storage functions.

26 (ii) “Computer” includes property, a data storage facility, or a
27 communications facility that is directly related to or operated with a computer.

28 (iii) “Computer” does not include an automated typewriter, a
29 typesetter, or a portable calculator.

1 (5) “Computer control language” means ordered statements that direct a
2 computer to perform specific functions.

3 (6) “Computer database” means a representation of information,
4 knowledge, facts, concepts, or instructions that:

5 (i) is intended for use in a computer, computer system, or computer
6 network; and

7 (ii) 1. is being prepared or has been prepared in a formalized
8 manner; or

9 2. is being produced or has been produced by a computer,
10 computer system, or computer network.

11 (8) “Computer program” means an ordered set of instructions or
12 statements that may interact with related data and, when executed in a computer system,
13 causes a computer to perform specified functions.

14 (10) “Computer software” means a computer program, instruction,
15 procedure, or associated document regarding the operation of a computer system.

16 (11) “Computer system” means one or more connected or unconnected
17 computers, peripheral devices, computer software, data, or computer programs.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2019.