

HOUSE BILL 786

E4
HB 1448/17 – JUD

9lr0485
CF SB 737

By: Delegates Atterbeary, Acevero, B. Barnes, Bartlett, Barve, Branch, Bridges, Cain, Carr, Chang, Charkoudian, Charles, Crutchfield, Cullison, D.M. Davis, D.E. Davis, Dumais, Ebersole, Feldmark, Fennell, W. Fisher, Fraser-Hidalgo, Gilchrist, Glenn, Healey, Hettleman, Hill, Ivey, Jalisi, Jones, Kaiser, Kelly, Korman, Krimm, Lafferty, J. Lewis, R. Lewis, Lierman, Lopez, Love, McIntosh, Moon, Mosby, Palakovich Carr, Patterson, Pendergrass, Proctor, Qi, Reznik, Rogers, Sample-Hughes, Shetty, Smith, Solomon, Sydnor, Terrasa, Turner, Valentino-Smith, C. Watson, R. Watson, K. Young, and P. Young

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Rifles and Shotguns – Secondary Transactions**

3 FOR the purpose of providing that a person who is not a certain licensee may not complete
4 the transfer of a certain rifle or shotgun in a certain role, except under certain
5 circumstances; requiring, before a certain transfer is conducted, the transferor and
6 transferee to meet jointly with a certain licensee and request that the licensee
7 facilitate the transfer; requiring a certain licensee to take certain actions when
8 facilitating a certain transfer; ~~authorizing a certain transferor to remove a certain~~
9 ~~rifle or shotgun from certain premises under certain circumstances;~~ prohibiting a
10 certain licensee and transferor from completing a certain transfer if a certain
11 background check has a certain result; authorizing a certain transferor to remove a
12 certain rifle or shotgun from certain premises if a certain background check has a
13 certain result; authorizing a certain licensee to charge a reasonable fee for
14 facilitating a certain transfer; establishing certain penalties for violating this Act
15 and for providing false information while conducting a transfer under this Act;
16 excluding certain transfers from the scope of this Act; ~~prohibiting a licensee or any~~
17 ~~other person from selling, renting, or transferring a certain rifle or shotgun for a~~

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 certain period of time following the execution of a federal firearms transaction
 2 record; requiring a person who sells, rents, or transfer a certain rifle or shotgun to
 3 forward a certain written notification of the transaction to the Secretary of State
 4 Police within a certain amount of time; requiring the Secretary to maintain a
 5 permanent record of all notifications received in the State; prohibiting a person from
 6 purchasing more than one certain rifle or shotgun in a 30-day period; providing for
 7 certain exceptions to the prohibition on purchasing more than one certain rifle or
 8 shotgun in a 30-day period; requiring a certain person who moves into the State to
 9 register certain rifles and shotguns with the Secretary within a certain period of
 10 time; requiring the Secretary to prepare and provide a certain application for
 11 registering rifles and shotguns; providing that certain registration data is not open
 12 to public inspection; prohibiting a certain person from selling, renting, or
 13 transferring a certain rifle or shotgun unless the person presents a long gun
 14 qualification license issued by the Secretary or certain credentials or identification;
 15 providing for certain exceptions to the requirement to present and possess a long gun
 16 qualification license under certain circumstances; establishing certain requirements
 17 and procedures for the issuance and renewal of a long gun qualification license;
 18 authorizing the Secretary to revoke a long gun qualification license under certain
 19 circumstances; requiring a certain person to return a long gun qualification license
 20 under certain circumstances; establishing certain requirements and procedures for
 21 the issuance of a replacement long gun qualification license under certain
 22 circumstances; authorizing the Secretary to adopt certain regulations; prohibiting a
 23 certain dealer or other person from knowingly participating in the illegal sale, rental,
 24 transfer, purchase, possession, or receipt of a certain rifle or shotgun under certain
 25 circumstances; establishing certain penalties; defining certain terms; and generally
 26 relating to rifles and shotguns.~~

27 BY repealing and reenacting, with amendments,

28 Article – Public Safety

29 Section 5–201

30 Annotated Code of Maryland

31 (2018 Replacement Volume)

32 BY adding to

33 Article – Public Safety

34 Section 5–204.1 ~~through 5–204.4, 5–207, and 5–208~~

35 Annotated Code of Maryland

36 (2018 Replacement Volume)

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

38 That the Laws of Maryland read as follows:

39 **Article – Public Safety**

40 5–201.

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

1 (B) "DEALER'S LICENSE" MEANS A ~~STATE-REGULATED FIREARMS~~
2 ~~DEALER'S LICENSE~~ FEDERAL FIREARMS LICENSE.

3 (C) "IMMEDIATE FAMILY MEMBER" MEANS A SPOUSE, A PARENT, A
4 STEPPARENT, A GRANDPARENT, AN AUNT, AN UNCLE, A SIBLING, A STEPSIBLING, A
5 CHILD, A STEPCHILD, A GRANDCHILD, A NIECE, OR A NEPHEW, AS RELATED BY
6 BLOOD OR MARRIAGE.

7 (D) "LICENSEE" MEANS A PERSON WHO HOLDS A DEALER'S LICENSE.

8 (E) "NICS INDEX" HAS THE MEANING STATED IN § 5-133.2 OF THIS TITLE.

9 [(b)] (F) "Rifle" has the meaning stated in § 4-201 of the Criminal Law
10 Article.

11 ~~(F) "SECRETARY" MEANS THE SECRETARY OF STATE POLICE.~~

12 [(c)] (G) "Short-barreled rifle" has the meaning stated in § 4-201 of the
13 Criminal Law Article.

14 [(d)] (H) "Short-barreled shotgun" has the meaning stated in § 4-201 of the
15 Criminal Law Article.

16 [(e)] (I) "Shotgun" has the meaning stated in § 4-201 of the Criminal Law
17 Article.

18 (J) "SPORT SHOOTING RANGE" HAS THE MEANING STATED IN § 5-403.1 OF
19 THE COURTS ARTICLE.

20 (K) "TRANSFER" MEANS A SALE, A RENTAL, A FURNISHING, A GIFT, A LOAN,
21 OR ANY OTHER DELIVERY, WITH OR WITHOUT CONSIDERATION.

22 (L) "TRANSFeree" MEANS A PERSON WHO RECEIVES OR INTENDS TO
23 RECEIVE A FIREARM IN A TRANSFER.

24 (M) "TRANSFEROR" MEANS A PERSON WHO DELIVERS OR INTENDS TO
25 DELIVER A FIREARM IN A TRANSFER.

26 **5-204.1.**

27 (A) THIS SECTION DOES NOT APPLY TO A TRANSFER:

28 (1) INVOLVING A LICENSEE OR A FEDERALLY LICENSED GUN
29 MANUFACTURER, DEALER, OR IMPORTER;

1 (2) BETWEEN IMMEDIATE FAMILY MEMBERS;

2 (3) INVOLVING LAW ENFORCEMENT PERSONNEL OF ANY UNIT OF THE
3 FEDERAL GOVERNMENT, A MEMBER OF THE ARMED FORCES OF THE UNITED
4 STATES, A MEMBER OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL
5 OF THE STATE OR ANY LOCAL AGENCY IN THE STATE, WHILE ACTING IN THE SCOPE
6 OF OFFICIAL DUTY;

7 (4) OF A CURIO OR RELIC FIREARM BETWEEN COLLECTORS WHO
8 EACH HAVE IN THEIR POSSESSION A VALID COLLECTOR OF CURIOS AND RELICS
9 LICENSE, AS THE TERMS ARE DEFINED IN FEDERAL LAW OR DETERMINATIONS
10 PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES;

11 (5) THAT IS TEMPORARY AND NECESSARY TO PREVENT IMMINENT
12 DEATH OR SERIOUS BODILY HARM IF THE TRANSFER LASTS ONLY AS LONG AS
13 NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY HARM;

14 (6) THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON
15 FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR
16 A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL;

17 (7) OF AN UNSERVICEABLE RIFLE OR SHOTGUN TRANSFERRED AS A
18 CURIO OR MUSEUM PIECE;

19 (8) OF A RIFLE OR SHOTGUN MODIFIED TO RENDER IT PERMANENTLY
20 INOPERATIVE; OR

21 (9) THAT IS TEMPORARY, OCCURS UNDER CIRCUMSTANCES IN WHICH
22 THE TRANSFEROR HAS NO REASON TO BELIEVE THAT THE TRANSFEREE INTENDS TO
23 USE THE RIFLE OR SHOTGUN IN THE COMMISSION OF A CRIME OR TO ALLOW
24 ANOTHER PERSON TO USE THE RIFLE OR SHOTGUN, AND TAKES PLACE
25 EXCLUSIVELY:

26 (I) AT AN ESTABLISHED SPORT SHOOTING RANGE OR GUN CLUB
27 OPERATED IN ACCORDANCE WITH THE LOCAL LAW OF THE JURISDICTION IN WHICH
28 THE RANGE OR CLUB IS LOCATED;

29 (II) DURING A LAWFULLY ORGANIZED COMPETITION
30 INVOLVING THE USE OF A RIFLE OR SHOTGUN;

31 (III) DURING A PERFORMANCE OR A PRACTICE FOR A
32 PERFORMANCE BY AN ORGANIZED GROUP THAT USES RIFLES OR SHOTGUNS AS PART
33 OF THE PERFORMANCE;

1 (IV) WHILE THE TRANSFEREE IS HUNTING OR TRAPPING IF THE
2 HUNTING OR TRAPPING IS LEGAL IN ALL PLACES AND AT ALL TIMES WHEN THE
3 HUNTING OR TRAPPING IS CONDUCTED AND THE TRANSFEREE HOLDS ANY LICENSE
4 OR PERMIT REQUIRED FOR THE HUNTING OR TRAPPING; OR

5 (V) IN THE ACTUAL PRESENCE OF THE TRANSFEROR.

6 (B) A PERSON WHO IS NOT A LICENSEE MAY NOT COMPLETE THE TRANSFER
7 OF A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM, AS A TRANSFEREE
8 OR TRANSFEROR, UNLESS THE PERSON IS IN COMPLIANCE WITH THIS SECTION.

9 (C) (1) BEFORE A TRANSFER IS CONDUCTED, THE TRANSFEROR AND
10 TRANSFEREE SHALL MEET JOINTLY WITH A LICENSEE AND REQUEST THAT THE
11 LICENSEE FACILITATE THE TRANSFER.

12 (2) (I) A LICENSEE WHO AGREES TO FACILITATE A TRANSFER
13 UNDER THIS SECTION SHALL PROCESS THE TRANSFER AS THOUGH TRANSFERRING
14 THE RIFLE OR SHOTGUN FROM THE LICENSEE'S OWN INVENTORY TO THE
15 TRANSFEREE.

16 (II) THE LICENSEE SHALL CONDUCT A BACKGROUND CHECK ON
17 THE TRANSFEREE THROUGH THE NICS INDEX AND COMPLY WITH ALL FEDERAL
18 AND STATE LAW THAT WOULD APPLY TO THE TRANSFER, INCLUDING ALL
19 BACKGROUND CHECK AND INVENTORY AND RECORD-KEEPING REQUIREMENTS.

20 ~~(D) NOTWITHSTANDING ANY OTHER REQUIREMENTS OF LAW, THE~~
21 ~~TRANSFEROR MAY REMOVE THE RIFLE OR SHOTGUN FROM THE PREMISES OF THE~~
22 ~~LICENSEE OR A GUN SHOW WHILE A BACKGROUND CHECK IS BEING CONDUCTED,~~
23 ~~BUT MUST SUBSEQUENTLY DELIVER THE RIFLE OR SHOTGUN TO THE LICENSEE TO~~
24 ~~COMPLETE THE TRANSFER.~~

25 ~~(E)~~ (1) THE LICENSEE OR THE TRANSFEROR MAY NOT COMPLETE THE
26 TRANSFER TO THE TRANSFEREE IF THE RESULTS OF THE BACKGROUND CHECK
27 INDICATE THAT THE TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN.

28 (2) IF THE RESULTS OF THE BACKGROUND CHECK INDICATE THAT
29 THE TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN, THE TRANSFEROR
30 MAY REMOVE THE RIFLE OR SHOTGUN FROM THE PREMISES OF THE LICENSEE OR A
31 GUN SHOW.

32 ~~(F)~~ (E) A LICENSEE MAY CHARGE A REASONABLE FEE FOR FACILITATING
33 A TRANSFER UNDER THIS SECTION.

1 ~~(G)~~ **(F)** **(1)** EXCEPT AS PROVIDED IN PARAGRAPH **(2)** OF THIS
2 SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
3 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
4 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

5 **(2)** A PERSON WHO PROVIDES FALSE INFORMATION WHILE
6 CONDUCTING A TRANSACTION UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR
7 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A
8 FINE NOT EXCEEDING \$5,000 OR BOTH.

9 ~~5-204.2.~~

10 ~~(A) A LICENSEE OR ANY OTHER PERSON MAY NOT SELL, RENT, OR~~
11 ~~TRANSFER A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM UNTIL 7 DAYS~~
12 ~~AFTER A FEDERAL FIREARMS TRANSACTION RECORD IS EXECUTED BY THE~~
13 ~~TRANSFeree, AND THE LICENSEE OR TRANSFEROR BEGINS TO PROCESS THE~~
14 ~~TRANSACTION IN ACCORDANCE WITH STATE AND FEDERAL LAW.~~

15 ~~(B) (1) (i) A LICENSEE OR ANY OTHER PERSON WHO SELLS, RENTS, OR~~
16 ~~TRANSFERS A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM IN~~
17 ~~COMPLIANCE WITH THIS SUBTITLE SHALL FORWARD A COPY OF THE WRITTEN~~
18 ~~NOTIFICATION OF THE COMPLETED TRANSACTION TO THE SECRETARY WITHIN 7~~
19 ~~DAYS AFTER DELIVERY OF THE RIFLE OR SHOTGUN.~~

20 ~~(ii) THE NOTIFICATION SHALL CONTAIN AN IDENTIFYING~~
21 ~~DESCRIPTION OF THE FIREARM, INCLUDING ITS CALIBER, MAKE, MODEL, ANY~~
22 ~~MANUFACTURER'S SERIAL NUMBER, AND ANY OTHER SPECIAL OR PECULIAR~~
23 ~~CHARACTERISTIC OR MARKING BY WHICH THE FIREARM MAY BE IDENTIFIED.~~

24 ~~(2) THE SECRETARY SHALL MAINTAIN A PERMANENT RECORD OF ALL~~
25 ~~SUCH NOTIFICATIONS RECEIVED IN THE STATE.~~

26 ~~5-204.3.~~

27 ~~(A) THIS SECTION DOES NOT APPLY TO:~~

28 ~~(1) A LAW ENFORCEMENT AGENCY;~~

29 ~~(2) AN AGENCY AUTHORIZED TO PERFORM LAW ENFORCEMENT~~
30 ~~DUTIES;~~

31 ~~(3) A STATE OR LOCAL CORRECTIONAL FACILITY;~~

1 ~~(4) A PRIVATE SECURITY COMPANY LICENSED TO DO BUSINESS IN~~
2 ~~THE STATE;~~

3 ~~(5) THE PURCHASE OF AN ANTIQUE FIREARM;~~

4 ~~(6) A PURCHASE BY A LICENSEE;~~

5 ~~(7) THE EXCHANGE OR REPLACEMENT OF A RIFLE OR SHOTGUN BY A~~
6 ~~SELLER FOR A RIFLE OR SHOTGUN PURCHASED FROM THE SELLER BY THE SAME~~
7 ~~PERSON SEEKING THE EXCHANGE OR REPLACEMENT WITHIN 30 DAYS IMMEDIATELY~~
8 ~~BEFORE THE EXCHANGE OR REPLACEMENT; OR~~

9 ~~(8) A PERSON WHOSE RIFLE OR SHOTGUN IS STOLEN OR~~
10 ~~IRRETRIEVABLY LOST AND WHO CONSIDERS IT ESSENTIAL THAT THE RIFLE OR~~
11 ~~SHOTGUN BE REPLACED IMMEDIATELY, IF:~~

12 ~~(I) THE PERSON PROVIDES THE LICENSEE WITH A COPY OF THE~~
13 ~~OFFICIAL POLICE REPORT OR AN OFFICIAL SUMMARY OF THE REPORT;~~

14 ~~(II) THE OFFICIAL POLICE REPORT OR OFFICIAL SUMMARY OF~~
15 ~~THE REPORT CONTAINS THE NAME AND ADDRESS OF THE RIFLE OR SHOTGUN~~
16 ~~OWNER, A DESCRIPTION OF THE RIFLE OR SHOTGUN, THE LOCATION OF THE LOSS~~
17 ~~OR THEFT, THE DATE OF THE LOSS OR THEFT, AND THE DATE WHEN THE LOSS OR~~
18 ~~THEFT WAS REPORTED TO THE LAW ENFORCEMENT AGENCY; AND~~

19 ~~(III) THE LOSS OR THEFT OCCURRED WITHIN 30 DAYS BEFORE~~
20 ~~THE PERSON'S ATTEMPT TO REPLACE THE RIFLE OR SHOTGUN, AS REFLECTED BY~~
21 ~~THE DATE OF LOSS OR THEFT ON THE OFFICIAL POLICE REPORT OR OFFICIAL~~
22 ~~SUMMARY OF THE REPORT.~~

23 ~~(B) A PERSON MAY NOT PURCHASE MORE THAN ONE RIFLE OR SHOTGUN~~
24 ~~OTHER THAN A REGULATED FIREARM IN A 30-DAY PERIOD.~~

25 ~~(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR~~
26 ~~AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A~~
27 ~~FINE NOT EXCEEDING \$5,000 OR BOTH.~~

28 ~~5-204.4.~~

29 ~~(A) (1) A PERSON WHO MOVES INTO THE STATE WITH THE INTENT OF~~
30 ~~BECOMING A RESIDENT SHALL REGISTER ALL RIFLES AND SHOTGUNS OTHER THAN~~
31 ~~A REGULATED FIREARM WITH THE SECRETARY WITHIN 90 DAYS AFTER~~
32 ~~ESTABLISHING RESIDENCY.~~

~~(2) THE SECRETARY SHALL PREPARE AND, ON REQUEST OF AN APPLICANT, PROVIDE AN APPLICATION FORM FOR REGISTRATION UNDER THIS SECTION.~~

~~(B) AN APPLICATION FOR REGISTRATION UNDER THIS SECTION SHALL CONTAIN:~~

~~(1) THE MAKE, MODEL, MANUFACTURER'S SERIAL NUMBER, CALIBER, TYPE, BARREL LENGTH, FINISH, AND COUNTRY OF ORIGIN OF EACH RIFLE AND SHOTGUN OTHER THAN A REGULATED FIREARM; AND~~

~~(2) THE OWNER'S NAME, ADDRESS, SOCIAL SECURITY NUMBER, PLACE AND DATE OF BIRTH, HEIGHT, WEIGHT, RACE, EYE AND HAIR COLOR, SIGNATURE, DRIVER'S OR PHOTOGRAPHIC IDENTIFICATION SOUND EX NUMBER, AND OCCUPATION.~~

~~(C) AN APPLICATION FOR REGISTRATION FILED WITH THE SECRETARY SHALL BE ACCOMPANIED BY A NONREFUNDABLE TOTAL REGISTRATION FEE OF \$15, REGARDLESS OF THE NUMBER OF FIREARMS REGISTERED.~~

~~(D) REGISTRATION DATA PROVIDED UNDER THIS SECTION IS NOT OPEN TO PUBLIC INSPECTION.~~

~~5-207.~~

~~(A) THIS SECTION DOES NOT APPLY TO:~~

~~(1) A LICENSED FIREARMS MANUFACTURER;~~

~~(2) A LAW ENFORCEMENT OFFICER OR PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR A LOCAL LAW ENFORCEMENT AGENCY OF THE STATE;~~

~~(3) A MEMBER OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD; OR~~

~~(4) A PERSON PURCHASING, RENTING, OR RECEIVING AN ANTIQUE, CURIO, OR RELIC FIREARM, AS DEFINED IN FEDERAL LAW OR IN DETERMINATIONS PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.~~

~~(B) A DEALER OR ANY OTHER PERSON MAY NOT SELL, RENT, OR TRANSFER A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM TO A PURCHASER, LESSEE, OR TRANSFEREE UNLESS THE PURCHASER, LESSEE, OR TRANSFEREE~~

~~PRESENTS TO THE DEALER OR OTHER PERSON A VALID LONG GUN QUALIFICATION LICENSE ISSUED TO THE PURCHASER, LESSEE, OR TRANSFEREE BY THE SECRETARY UNDER THIS SECTION.~~

~~(C) A PERSON MAY PURCHASE, RENT, OR RECEIVE A RIFLE OR SHOTGUN ONLY IF THE PERSON:~~

~~(1) (I) POSSESSES A VALID LONG GUN QUALIFICATION LICENSE ISSUED TO THE PERSON BY THE SECRETARY IN ACCORDANCE WITH THIS SECTION;~~

~~(II) POSSESSES VALID CREDENTIALS FROM A LAW ENFORCEMENT AGENCY OR RETIREMENT CREDENTIALS FROM A LAW ENFORCEMENT AGENCY;~~

~~(III) IS AN ACTIVE OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD AND POSSESSES A VALID MILITARY IDENTIFICATION CARD; OR~~

~~(IV) IS PURCHASING, RENTING, OR RECEIVING AN ANTIQUE, CURIO, OR RELIC FIREARM, AS DEFINED IN FEDERAL LAW OR IN DETERMINATIONS PUBLISHED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; AND~~

~~(2) IS NOT OTHERWISE PROHIBITED FROM PURCHASING OR POSSESSING A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM UNDER STATE OR FEDERAL LAW.~~

~~(D) SUBJECT TO SUBSECTIONS (F) AND (G) OF THIS SECTION, THE SECRETARY SHALL ISSUE A LONG GUN QUALIFICATION LICENSE TO A PERSON WHO THE SECRETARY FINDS:~~

~~(1) IS AT LEAST 18 YEARS OLD;~~

~~(2) IS A RESIDENT OF THE STATE;~~

~~(3) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, HAS DEMONSTRATED SATISFACTORY COMPLETION, WITHIN 3 YEARS PRIOR TO THE SUBMISSION OF THE APPLICATION, OF A FIREARMS SAFETY TRAINING COURSE APPROVED BY THE SECRETARY THAT INCLUDES:~~

~~(I) A MINIMUM OF 4 HOURS OF INSTRUCTION BY A QUALIFIED FIREARMS INSTRUCTOR;~~

~~(II) CLASSROOM INSTRUCTION ON:~~

1 ~~1. STATE FIREARM LAW;~~

2 ~~2. HOME FIREARM SAFETY; AND~~

3 ~~3. RIFLE AND SHOTGUN MECHANISMS AND OPERATION;~~

4 ~~AND~~

5 ~~(H) A FIREARMS ORIENTATION COMPONENT THAT~~
6 ~~DEMONSTRATES THE PERSON'S SAFE OPERATION AND HANDLING OF A FIREARM;~~
7 ~~AND~~

8 ~~(4) BASED ON AN INVESTIGATION, IS NOT PROHIBITED BY FEDERAL~~
9 ~~OR STATE LAW FROM PURCHASING OR POSSESSING A RIFLE OR SHOTGUN OTHER~~
10 ~~THAN A REGULATED FIREARM.~~

11 ~~(E) AN APPLICANT FOR A LONG GUN QUALIFICATION LICENSE IS NOT~~
12 ~~REQUIRED TO COMPLETE A FIREARMS SAFETY TRAINING COURSE UNDER~~
13 ~~SUBSECTION (D) OF THIS SECTION IF THE APPLICANT:~~

14 ~~(1) HAS COMPLETED A CERTIFIED FIREARMS TRAINING COURSE~~
15 ~~APPROVED BY THE SECRETARY;~~

16 ~~(2) HAS COMPLETED A COURSE OF INSTRUCTION IN COMPETENCY~~
17 ~~AND SAFETY IN THE HANDLING OF FIREARMS PRESCRIBED BY THE DEPARTMENT OF~~
18 ~~NATURAL RESOURCES UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE;~~

19 ~~(3) IS A QUALIFIED FIREARM INSTRUCTOR;~~

20 ~~(4) IS AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES~~
21 ~~OF THE UNITED STATES OR THE NATIONAL GUARD;~~

22 ~~(5) IS AN EMPLOYEE OF AN ARMORED CAR COMPANY AND HAS A~~
23 ~~PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE; OR~~

24 ~~(6) LAWFULLY OWNS A FIREARM.~~

25 ~~(F) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE~~
26 ~~CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE~~
27 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

28 ~~(2) THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY~~
29 ~~FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH~~
30 ~~APPLICANT FOR A LONG GUN QUALIFICATION LICENSE.~~

1 ~~(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY~~
2 ~~RECORDS CHECK, THE SECRETARY SHALL SUBMIT TO THE CENTRAL REPOSITORY:~~

3 ~~(I) A COMPLETE SET OF THE APPLICANT'S LEGIBLE~~
4 ~~FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL~~
5 ~~REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;~~

6 ~~(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE~~
7 ~~CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY~~
8 ~~RECORDS; AND~~

9 ~~(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE~~
10 ~~FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY~~
11 ~~RECORDS CHECK.~~

12 ~~(4) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO THE~~
13 ~~APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (3)(I) AND (II)~~
14 ~~OF THIS SUBSECTION.~~

15 ~~(5) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE~~
16 ~~CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO~~
17 ~~THE APPLICANT AND THE SECRETARY A PRINTED STATEMENT OF THE APPLICANT'S~~
18 ~~CRIMINAL HISTORY INFORMATION.~~

19 ~~(6) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY~~
20 ~~UNDER THIS SECTION:~~

21 ~~(I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND~~

22 ~~(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE~~
23 ~~AUTHORIZED BY THIS SECTION.~~

24 ~~(7) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO~~
25 ~~THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY~~
26 ~~RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE~~
27 ~~DEPARTMENT OF STATE POLICE LICENSING DIVISION A REVISED PRINTED~~
28 ~~STATEMENT OF THE APPLICANT'S OR LICENSEE'S STATE CRIMINAL HISTORY~~
29 ~~RECORD.~~

30 ~~(G) AN APPLICANT FOR A LONG GUN QUALIFICATION LICENSE SHALL~~
31 ~~SUBMIT TO THE SECRETARY:~~

1 ~~(1) AN APPLICATION IN THE MANNER AND FORMAT DESIGNATED BY~~
2 ~~THE SECRETARY;~~

3 ~~(2) A NONREFUNDABLE APPLICATION FEE TO COVER THE COSTS TO~~
4 ~~ADMINISTER THE PROGRAM OF UP TO \$50;~~

5 ~~(3) (I) PROOF OF SATISFACTORY COMPLETION OF:~~

6 ~~1. A FIREARMS SAFETY TRAINING COURSE APPROVED BY~~
7 ~~THE SECRETARY; OR~~

8 ~~2. A COURSE OF INSTRUCTION IN COMPETENCY AND~~
9 ~~SAFETY IN THE HANDLING OF FIREARMS PRESCRIBED BY THE DEPARTMENT OF~~
10 ~~NATURAL RESOURCES UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE;~~
11 ~~OR~~

12 ~~(II) A VALID FIREARMS INSTRUCTOR CERTIFICATION;~~

13 ~~(4) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION~~
14 ~~REQUIRED BY THE SECRETARY; AND~~

15 ~~(5) A STATEMENT MADE BY THE APPLICANT UNDER THE PENALTY OF~~
16 ~~PERJURY THAT THE APPLICANT IS NOT PROHIBITED UNDER FEDERAL OR STATE~~
17 ~~LAW FROM POSSESSING A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM;~~

18 ~~(H) (1) WITHIN 30 DAYS AFTER RECEIVING A PROPERLY COMPLETED~~
19 ~~APPLICATION, THE SECRETARY SHALL ISSUE TO THE APPLICANT:~~

20 ~~(I) A LONG GUN QUALIFICATION LICENSE IF THE APPLICANT IS~~
21 ~~APPROVED; OR~~

22 ~~(II) A WRITTEN DENIAL OF THE APPLICATION THAT CONTAINS:~~

23 ~~1. THE REASON THE APPLICATION WAS DENIED; AND~~

24 ~~2. A STATEMENT OF THE APPLICANT'S APPEAL RIGHTS~~
25 ~~UNDER SUBSECTION (L) OF THIS SECTION.~~

26 ~~(2) (I) AN INDIVIDUAL WHOSE FINGERPRINTS HAVE BEEN~~
27 ~~SUBMITTED TO THE CENTRAL REPOSITORY, AND WHOSE APPLICATION HAS BEEN~~
28 ~~DENIED, MAY REQUEST THAT THE RECORD OF THE FINGERPRINTS BE EXPUNGED BY~~
29 ~~OBLITERATION.~~

1 ~~(H) PROCEEDINGS TO EXPUNGE A RECORD UNDER THIS~~
2 ~~PARAGRAPH SHALL BE CONDUCTED IN ACCORDANCE WITH § 10-105 OF THE~~
3 ~~CRIMINAL PROCEDURE ARTICLE.~~

4 ~~(HH) ON RECEIPT OF AN ORDER TO EXPUNGE A FINGERPRINT~~
5 ~~RECORD, THE CENTRAL REPOSITORY SHALL EXPUNGE BY OBLITERATION THE~~
6 ~~FINGERPRINTS SUBMITTED AS PART OF THE APPLICATION PROCESS.~~

7 ~~(IV) AN INDIVIDUAL MAY NOT BE CHARGED A FEE FOR THE~~
8 ~~EXPUNGEMENT OF A FINGERPRINT RECORD IN ACCORDANCE WITH THIS~~
9 ~~PARAGRAPH.~~

10 ~~(I) A LONG GUN QUALIFICATION LICENSE ISSUED UNDER THIS SECTION~~
11 ~~EXPIRES 10 YEARS FROM THE DATE OF ISSUANCE.~~

12 ~~(J) (1) THE LONG GUN QUALIFICATION LICENSE MAY BE RENEWED FOR~~
13 ~~SUCCESSIVE PERIODS OF 10 YEARS EACH IF, AT THE TIME OF AN APPLICATION FOR~~
14 ~~RENEWAL, THE APPLICANT:~~

15 ~~(I) POSSESSES THE QUALIFICATIONS FOR THE ISSUANCE OF~~
16 ~~THE LONG GUN QUALIFICATION LICENSE; AND~~

17 ~~(II) SUBMITS A NONREFUNDABLE APPLICATION FEE TO COVER~~
18 ~~THE COSTS TO ADMINISTER THE PROGRAM OF UP TO \$20.~~

19 ~~(2) AN APPLICANT RENEWING A LONG GUN QUALIFICATION LICENSE~~
20 ~~UNDER THIS SUBSECTION IS NOT REQUIRED TO:~~

21 ~~(I) COMPLETE THE FIREARMS SAFETY TRAINING COURSE~~
22 ~~REQUIRED IN SUBSECTION (D)(3) OF THIS SECTION; OR~~

23 ~~(II) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY~~
24 ~~RECORDS CHECK AS REQUIRED IN SUBSECTION (F) OF THIS SECTION.~~

25 ~~(K) (1) THE SECRETARY MAY REVOKE A LONG GUN QUALIFICATION~~
26 ~~LICENSE ISSUED OR RENEWED UNDER THIS SECTION ON A FINDING THAT THE~~
27 ~~LICENSEE NO LONGER SATISFIES THE QUALIFICATIONS SET FORTH IN SUBSECTION~~
28 ~~(D) OF THIS SECTION.~~

29 ~~(2) A PERSON HOLDING A LONG GUN QUALIFICATION LICENSE THAT~~
30 ~~HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE LICENSE TO THE~~
31 ~~SECRETARY WITHIN 5 DAYS AFTER RECEIPT OF THE NOTICE OF REVOCATION.~~

~~(L) (1) A PERSON WHOSE ORIGINAL OR RENEWAL APPLICATION FOR A LONG GUN QUALIFICATION LICENSE IS DENIED, OR WHOSE LONG GUN QUALIFICATION LICENSE IS REVOKED, MAY SUBMIT A WRITTEN REQUEST TO THE SECRETARY FOR A HEARING WITHIN 30 DAYS AFTER THE DATE THE WRITTEN NOTICE OF THE DENIAL OR REVOCATION WAS SENT TO THE AGGRIEVED PERSON.~~

~~(2) A HEARING UNDER THIS SECTION SHALL BE GRANTED BY THE SECRETARY WITHIN 15 DAYS AFTER THE REQUEST.~~

~~(3) A HEARING AND ANY SUBSEQUENT PROCEEDINGS OF JUDICIAL REVIEW UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.~~

~~(4) A HEARING UNDER THIS SECTION SHALL BE HELD IN THE COUNTY OF THE LEGAL RESIDENCE OF THE AGGRIEVED PERSON.~~

~~(M) (1) IF AN ORIGINAL OR RENEWAL LONG GUN QUALIFICATION LICENSE IS LOST OR STOLEN, A PERSON MAY SUBMIT A WRITTEN REQUEST TO THE SECRETARY FOR A REPLACEMENT LICENSE.~~

~~(2) UNLESS THE APPLICANT IS OTHERWISE DISQUALIFIED, THE SECRETARY SHALL ISSUE A REPLACEMENT LONG GUN QUALIFICATION LICENSE ON RECEIPT OF A WRITTEN REQUEST AND A NONREFUNDABLE FEE TO COVER THE COST OF REPLACEMENT OF UP TO \$20.~~

~~(N) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.~~

~~5-208.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A DEALER OR OTHER PERSON MAY NOT KNOWINGLY PARTICIPATE IN THE ILLEGAL SALE, RENTAL, TRANSFER, PURCHASE, POSSESSION, OR RECEIPT OF A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM IN VIOLATION OF THIS SUBTITLE.~~

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

~~(C) EACH VIOLATION OF THIS SECTION IS A SEPARATE CRIME.~~

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