

SB0346/888374/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 346  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Transfer” and substitute “Sell, Rent, Transfer, or Loan”; strike beginning with “providing” in line 3 down through “circumstances” in line 5 and substitute “providing that a firearms dealer or other person may not loan a regulated firearm to a certain person under certain circumstances; providing that a dealer or other person may not sell, rent, transfer, or loan a regulated firearm to a certain person who the dealer or other person knows or has reason to believe intends to commit a certain crime or cause certain harm; providing that a person who is the recipient of a loan of a regulated firearm is not required to take a certain safety course”; and in line 8, strike “5-124” and substitute “5-134”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 24 on page 2, inclusive, and substitute:

“5-134.

(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the transfer by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the transfer of a regulated firearm.

(b) IN THIS SECTION, “LOAN” INCLUDES A TEMPORARY GRATUITOUS EXCHANGE OF A REGULATED FIREARM BETWEEN TWO INDIVIDUALS.

(Over)

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(C) A dealer or other person may not sell, rent, [or] transfer, OR LOAN a regulated firearm to a purchaser, lessee, [or] transferee, OR RECIPIENT who the dealer or other person knows or has reasonable cause to believe:

(1) is under the age of 21 years, UNLESS THE REGULATED FIREARM IS LOANED TO A RECIPIENT WHO MAY POSSESS THE REGULATED FIREARM UNDER § 5-133(D) OF THIS SUBTITLE;

(2) has been convicted of a disqualifying crime;

(3) has been convicted of a conspiracy to commit a felony;

(4) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(5) is a fugitive from justice;

(6) is a habitual drunkard;

(7) is addicted to a controlled dangerous substance or is a habitual user;

(8) suffers from a mental disorder as defined in § 10-101(i)(2) of the Health – General Article, and has a history of violent behavior against the purchaser, lessee, [or] transferee, OR RECIPIENT or another, unless the purchaser, lessee, [or] transferee, OR RECIPIENT possesses a physician’s certificate that the PURCHASER, LESSEE, TRANSFEREE, OR recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, [or] transferee, OR RECIPIENT or to another;

(9) has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health – General Article, unless the purchaser, lessee, [or]

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transferee, OR RECIPIENT possesses a physician's certificate that the PURCHASER, LESSEE, TRANSFEREE, OR recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, or transferee or to another;

(10) is a respondent against whom a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article;

(11) if under the age of 30 years at the time of the transaction, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult;

(12) is visibly under the influence of alcohol or drugs;

(13) is a participant in a straw purchase; [or]

(14) subject to subsection (c) of this section for a transaction under this subsection that is made on or after January 1, 2002, has not completed a certified firearms safety training course conducted free of charge by the Police Training and Standards Commission or that meets standards established by the Police Training and Standards Commission under § 3–207 of this article; OR

**(15) INTENDS TO USE THE REGULATED FIREARM TO:**

**(I) COMMIT A CRIME; OR**

**(II) CAUSE HARM TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR ANOTHER PERSON.**

**[(c)] (D) A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section if the person:**

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(1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section;

(2) is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

(4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; [or]

(5) has been issued a permit to carry a handgun under Subtitle 3 of this title; OR

**(6) IS THE RECIPIENT OF A LOAN OF A FIREARM.**

**[(d)] (E)** (1) A person may not sell, rent, or transfer:

(i) ammunition solely designed for a regulated firearm to a person who is under the age of 21 years; or

(ii) 1. a firearm other than a regulated firearm to a minor;

2. ammunition for a firearm to a minor;

3. pepper mace, which is an aerosol propelled combination of highly disabling irritant based products and is also known as oleo-resin capsicum (O.C.) spray, to a minor; or

4. another deadly weapon to a minor.

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