

# SENATE BILL 159

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CF HB 162

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By: **Senator Hettleman**

Introduced and read first time: January 18, 2023

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Maryland Voluntary Do Not Sell Firearm Registry – Establishment**

3 FOR the purpose of requiring the Department of State Police to create and maintain a  
4 Maryland Voluntary Do Not Sell Firearm Registry in which a person may voluntarily  
5 enroll for the purpose of being prohibited from obtaining a firearm; prohibiting a  
6 dealer or other person from selling, renting, loaning, or transferring a firearm to a  
7 purchaser, lessee, borrower, or transferee who the dealer or other person knows or  
8 has reason to believe is registered on the registry; prohibiting certain acts involving  
9 the giving of false information and discrimination relating to the registry; requiring  
10 a custodian of records to deny inspection of certain records relating to the registry;  
11 and generally relating to the Maryland Voluntary Do Not Sell Firearm Registry.

12 BY repealing and reenacting, with amendments,

13 Article – Public Safety  
14 Section 5–134(b) and 5–207(c)  
15 Annotated Code of Maryland  
16 (2022 Replacement Volume)

17 BY adding to

18 Article – Public Safety  
19 Section 5–901 through 5–906 to be under the new subtitle “Subtitle 9. The Maryland  
20 Voluntary Do Not Sell Firearm Registry”  
21 Annotated Code of Maryland  
22 (2022 Replacement Volume)

23 BY adding to

24 Article – General Provisions  
25 Section 4–325.1  
26 Annotated Code of Maryland  
27 (2019 Replacement Volume and 2022 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 5–134.

5 (b) A dealer or other person may not sell, rent, loan, or transfer a regulated  
6 firearm to a purchaser, lessee, borrower, or transferee who the dealer or other person knows  
7 or has reasonable cause to believe:

8 (1) is under the age of 21 years, unless the regulated firearm is loaned to a  
9 borrower who may possess the regulated firearm under § 5–133(d) of this subtitle;

10 (2) has been convicted of a disqualifying crime;

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

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

14 (5) is a fugitive from justice;

15 (6) is a habitual drunkard;

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

17 (8) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health  
18 – General Article, and has a history of violent behavior against the purchaser, lessee,  
19 borrower, or transferee or another, unless the purchaser, lessee, borrower, or transferee  
20 possesses a physician’s certificate that the recipient is capable of possessing a regulated  
21 firearm without undue danger to the purchaser, lessee, borrower, or transferee or to  
22 another;

23 (9) has been confined for more than 30 consecutive days to a facility as  
24 defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, borrower,  
25 or transferee possesses a physician’s certificate that the recipient is capable of possessing  
26 a regulated firearm without undue danger to the purchaser, lessee, borrower, or transferee  
27 or to another;

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

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

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

2 (13) is a participant in a straw purchase;

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

8 **(15) IS REGISTERED ON THE MARYLAND VOLUNTARY DO NOT SELL**  
9 **FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THIS TITLE; OR**

10 [(15)] (16) intends to use the regulated firearm to:

11 (i) commit a crime; or

12 (ii) cause harm to the purchaser, lessee, transferee, or recipient or  
13 another person.

14 5-207.

15 (c) A licensee or any other person may not sell, rent, transfer, or loan a rifle or  
16 shotgun to a purchaser, lessee, transferee, or recipient who the licensee or other person  
17 knows or has reasonable cause to believe:

18 (1) has been convicted of a disqualifying crime, as defined in § 5-101 of this  
19 title;

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

22 (3) is a fugitive from justice;

23 (4) is a habitual drunkard as defined in § 5-101 of this title;

24 (5) is addicted to a controlled dangerous substance or is a habitual user as  
25 defined in § 5-101 of this title;

26 (6) suffers from a mental disorder as defined in § 10-101(i)(2) of the Health  
27 – General Article, and has a history of violent behavior against the purchaser, lessee,  
28 transferee, recipient, or another, unless the purchaser, lessee, transferee, or recipient has  
29 received a certificate from the Maryland Department of Health relieving the purchaser,  
30 lessee, transferee, or recipient of the disqualification;

31 (7) has been found incompetent to stand trial under § 3-106 of the Criminal  
32 Procedure Article, unless the purchaser, lessee, transferee, or recipient has received a

1 certificate from the Maryland Department of Health relieving the purchaser, lessee,  
2 transferee, or recipient of the disqualification;

3 (8) has been found not criminally responsible under § 3–110 of the  
4 Criminal Procedure Article, unless the purchaser, lessee, transferee, or recipient has  
5 received a certificate from the Maryland Department of Health relieving the purchaser,  
6 lessee, transferee, or recipient of the disqualification;

7 (9) has been voluntarily admitted for more than 30 consecutive days to a  
8 facility as defined in § 10–101 of the Health – General Article, unless the purchaser, lessee,  
9 transferee, or recipient has received a certificate from the Maryland Department of Health  
10 relieving the purchaser, lessee, transferee, or recipient of the disqualification;

11 (10) has been involuntarily committed for more than 30 consecutive days to  
12 a facility as defined in § 10–101 of the Health – General Article, unless the purchaser,  
13 lessee, transferee, or recipient has received a certificate from the Maryland Department of  
14 Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

15 (11) is under the protection of a guardian appointed by a court under §  
16 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the  
17 appointment of a guardian is solely a result of a physical disability, unless the purchaser,  
18 lessee, transferee, or recipient has received a certificate from the Maryland Department of  
19 Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

20 (12) is a respondent against whom:

21 (i) a current non ex parte civil protective order has been entered  
22 under § 4–506 of the Family Law Article; or

23 (ii) an order for protection, as defined in § 4–508.1 of the Family Law  
24 Article, has been issued by a court of another state or Native American tribe and is in effect;

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

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

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

30 **(16) IS REGISTERED ON THE MARYLAND VOLUNTARY DO NOT SELL**  
31 **FIREARM REGISTRY ESTABLISHED UNDER § 5–902 OF THIS TITLE; OR**

32 **[(16)] (17) intends to use the rifle or shotgun to:**

33 (i) commit a crime; or

1 (ii) cause harm to the purchaser, lessee, transferee, or recipient or  
2 another person.

3 **SUBTITLE 9. THE MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY.**

4 **5-901.**

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (B) "CENTRAL REPOSITORY" HAS THE MEANING STATED IN § 5-108 OF THIS  
8 TITLE.

9 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

10 (D) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

11 (E) "REGISTRY" MEANS THE MARYLAND VOLUNTARY DO NOT SELL  
12 FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THIS SUBTITLE.

13 (F) "SECRETARY" MEANS THE SECRETARY OF STATE POLICE OR THE  
14 SECRETARY'S DESIGNEE.

15 **5-902.**

16 THE DEPARTMENT SHALL CREATE AND MAINTAIN THE MARYLAND  
17 VOLUNTARY DO NOT SELL FIREARM REGISTRY IN WHICH A PERSON MAY  
18 VOLUNTARILY ENROLL FOR THE PURPOSE OF BEING PROHIBITED FROM OBTAINING  
19 A FIREARM.

20 **5-903.**

21 (A) A REGISTRY APPLICANT SHALL:

22 (1) BE AT LEAST 18 YEARS OLD; AND

23 (2) SUBMIT TO THE DEPARTMENT A REGISTRY APPLICATION ON THE  
24 FORM THAT THE SECRETARY PROVIDES.

25 (B) A REGISTRY APPLICATION SHALL CONTAIN THE APPLICANT'S NAME,  
26 ADDRESS, SOCIAL SECURITY NUMBER, PLACE AND DATE OF BIRTH, HEIGHT,  
27 WEIGHT, RACE, EYE AND HAIR COLOR, SIGNATURE, DRIVER'S LICENSE OR  
28 PHOTOGRAPHIC IDENTIFICATION SOUNDINDEX NUMBER, AND OCCUPATION.

1           **(C) THE REGISTRY APPLICATION FORM SHALL INFORM THE APPLICANT OF**  
2 **THE PROCESS FOR REMOVAL FROM THE REGISTRY.**

3           **(D) WITHIN 5 DAYS AFTER RECEIVING A PROPERLY COMPLETED REGISTRY**  
4 **APPLICATION, THE SECRETARY SHALL:**

5                   **(1) APPROVE THE APPLICATION;**

6                   **(2) ISSUE TO THE APPLICANT WRITTEN CONFIRMATION OF**  
7 **APPROVAL; AND**

8                   **(3) NOTIFY THE CENTRAL REPOSITORY OF THE APPLICANT'S**  
9 **PLACEMENT ON THE REGISTRY.**

10 **5-904.**

11           **(A) TO BE REMOVED FROM THE REGISTRY, A PERSON SHALL SUBMIT TO THE**  
12 **DEPARTMENT A REQUEST FOR REMOVAL FROM THE REGISTRY ON THE FORM THAT**  
13 **THE SECRETARY PROVIDES.**

14           **(B) PROMPTLY, BUT NOT SOONER THAN 21 DAYS AFTER RECEIVING A**  
15 **PROPERLY COMPLETED REQUEST FOR REMOVAL FROM THE REGISTRY, THE**  
16 **SECRETARY SHALL:**

17                   **(1) APPROVE THE REQUEST;**

18                   **(2) ISSUE TO THE REQUESTOR WRITTEN CONFIRMATION OF**  
19 **REMOVAL; AND**

20                   **(3) NOTIFY THE CENTRAL REPOSITORY OF THE REQUESTOR'S**  
21 **REMOVAL FROM THE REGISTRY.**

22 **5-905.**

23           **(A) A PERSON MAY NOT:**

24                   **(1) KNOWINGLY GIVE FALSE INFORMATION WITH THE INTENT OF**  
25 **ENROLLING OR REMOVING ANOTHER PERSON FROM THE REGISTRY; OR**

26                   **(2) DISCRIMINATE AGAINST ANY PERSON WITH RESPECT TO HEALTH**  
27 **CARE SERVICES, EMPLOYMENT, EDUCATION, HOUSING, INSURANCE,**  
28 **GOVERNMENTAL BENEFITS, OR CONTRACTING BECAUSE THAT PERSON IS**

1 ENROLLED ON THE REGISTRY, IS NOT ENROLLED ON THE REGISTRY, OR HAS  
2 PREVIOUSLY BEEN ENROLLED ON THE REGISTRY.

3 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
4 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A  
5 FINE NOT EXCEEDING \$1,000 OR BOTH.

6 5-906.

7 THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
8 PROVISIONS OF THIS SUBTITLE.

9 Article – General Provisions

10 4-325.1.

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

13 (2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §  
14 3-201 OF THE PUBLIC SAFETY ARTICLE.

15 (3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE  
16 PUBLIC SAFETY ARTICLE.

17 (4) “REGISTRY” MEANS THE MARYLAND VOLUNTARY DO NOT SELL  
18 FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THE PUBLIC SAFETY  
19 ARTICLE.

20 (B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A  
21 CUSTODIAN SHALL DENY INSPECTION OF AN APPLICATION TO BE ENROLLED INTO  
22 OR REMOVED FROM THE REGISTRY AND ANY OTHER PERSONAL IDENTIFYING  
23 INFORMATION CONTAINED IN OR RELATED TO THE REGISTRY.

24 (C) A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN  
25 SUBSECTION (B) OF THIS SECTION BY:

26 (1) THE INDIVIDUAL NAMED IN THE RECORD; OR

27 (2) THE ATTORNEY OF RECORD OF THE INDIVIDUAL NAMED IN THE  
28 RECORD.

29 (D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT:

1           **(1) A LAW ENFORCEMENT AGENCY OR A POLICE OFFICER FROM**  
2 **ACCESSING RECORDS RELATING TO THE REGISTRY IN THE PERFORMANCE OF**  
3 **OFFICIAL DUTY; OR**

4           **(2) THE DISCLOSURE THAT A PERSON IS OR IS NOT LISTED ON THE**  
5 **REGISTRY IN CONNECTION WITH A LAW ENFORCEMENT FIREARM TRANSFER**  
6 **BACKGROUND CHECK.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2023.