

HOUSE BILL 888

E4

8lr0817
CF SB 707

By: **Delegates Moon, J. Lewis, Walker, Ali, Anderson, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Cullison, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gibson, Gilchrist, Glenn, Gutierrez, Haynes, Healey, Hettleman, Hill, Hixson, Jackson, Jalisi, Kaiser, Kelly, Korman, Kramer, Krimm, Lafferty, Lam, R. Lewis, Lierman, Luedtke, McIntosh, A. Miller, Morales, Morhaim, Mosby, Patterson, Pena-Melnyk, Pendergrass, Proctor, Queen, Reznik, Robinson, Rosenberg, Sample-Hughes, Sanchez, Sophocleus, Sydnor, Tarlau, Turner, Valderrama, Valentino-Smith, Vallario, Waldstreicher, A. Washington, M. Washington, Wilkins, Wilson, K. Young, and P. Young**

Introduced and read first time: February 5, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Firearm Crimes – Rapid Fire Trigger Activator**

3 FOR the purpose of prohibiting a person from transporting a certain rapid fire trigger
4 activator into the State or manufacturing, possessing, selling, offering to sell,
5 transferring, purchasing, or receiving a certain rapid fire trigger activator; applying
6 certain penalties; establishing a certain penalty for using a rapid fire trigger
7 activator in the commission of a certain crime; defining certain terms; and generally
8 relating to firearm crimes.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 4–301 and 4–306
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 4–305.1
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2017 Supplement)

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 – Criminal Law**

4 4–301.

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

6 (b) “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the
7 Public Safety Article.

8 (c) “Assault pistol” means any of the following firearms or a copy regardless of
9 the producer or manufacturer:

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

11 (2) Bushmaster semiautomatic pistol;

12 (3) Claridge HI–TEC semiautomatic pistol;

13 (4) D Max Industries semiautomatic pistol;

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

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

16 (7) Holmes MP–83 semiautomatic pistol;

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

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

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

21 (11) Skorpion semiautomatic pistol;

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

23 (13) UZI semiautomatic pistol;

24 (14) Weaver Arms semiautomatic Nighthawk pistol; or

25 (15) Wilkinson semiautomatic “Linda” pistol.

26 (d) “Assault weapon” means:

1 (1) an assault long gun;

2 (2) an assault pistol; or

3 (3) a copycat weapon.

4 (e) (1) “Copycat weapon” means:

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

7 1. a folding stock;

8 2. a grenade launcher or flare launcher; or

9 3. a flash suppressor;

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

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

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

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

17 (vi) a shotgun with a revolving cylinder.

18 (2) “Copycat weapon” does not include an assault long gun or an assault
19 pistol.

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

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

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

27 **(I) “MACHINE GUN” HAS THE MEANING STATED IN § 4–401 OF THIS TITLE.**

28 **(J) (1) “RAPID FIRE TRIGGER ACTIVATOR” MEANS ANY DEVICE, PART, OR**

1 COMBINATION OF DEVICES OR PARTS THAT IS DESIGNED AND FUNCTIONS TO
2 ACCELERATE THE RATE OF FIRE OF A FIREARM BEYOND THE STANDARD RATE OF
3 FIRE FOR FIREARMS THAT ARE NOT EQUIPPED WITH THAT DEVICE, PART, OR
4 COMBINATION OF DEVICES OR PARTS.

5 (2) "RAPID FIRE TRIGGER ACTIVATOR" INCLUDES A BUMP STOCK
6 AND TRIGGER CRANK.

7 4-305.1.

8 A PERSON MAY NOT:

9 (1) TRANSPORT A RAPID FIRE TRIGGER ACTIVATOR INTO THE STATE;
10 OR

11 (2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER,
12 PURCHASE, OR RECEIVE A RAPID FIRE TRIGGER ACTIVATOR.

13 4-306.

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

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

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

24 (ii) The court may not impose less than the minimum sentence of
25 5 years.

26 (iii) The mandatory minimum sentence of 5 years may not be
27 suspended.

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

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2018.