

# SENATE BILL 346

E4

(9lr0967)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Ferguson, Elfreth, Ellis, Feldman, Guzzone, Kelley, Rosapepe, Smith, Washington, West, and Young**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – Regulated Firearms – ~~Transfer Sell, Rent, Transfer, or Loan~~**  
3 **Prohibition of Loans**

4 FOR the purpose of ~~providing that, for certain purposes, the term “transfer” includes a loan~~  
5 ~~other than a certain exchange of a regulated firearm between two individuals under~~  
6 ~~certain circumstances providing that a firearms dealer or other person may not loan~~  
7 ~~a regulated firearm to a certain person under certain circumstances; providing that~~  
8 ~~a dealer or other person may not sell, rent, transfer, or loan a regulated firearm to a~~  
9 ~~certain person who the dealer or other person knows or has reason to believe intends~~  
10 ~~to commit a certain crime or cause certain harm; prohibiting a certain dealer or other~~  
11 ~~person from loaning a regulated firearm to a certain borrower under certain~~  
12 ~~circumstances; prohibiting a certain dealer or other person from selling, renting,~~  
13 ~~loaning, or transferring a regulated firearm to a certain person who the dealer or~~  
14 ~~other person knows or has reason to believe intends to commit a certain crime or cause~~

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



*certain harm; creating a certain exception to a certain prohibition on selling, renting, loaning, or transferring a regulated firearm to a person under a certain age; providing that a person who is the ~~recipient of a loan~~ borrower of a regulated firearm is not required to take a certain safety course; making certain conforming changes; and generally relating to regulated firearms.*

BY repealing and reenacting, with amendments,  
 Article – Public Safety  
 Section ~~5-124 5-134~~ *5-134(b) and (c)*  
 Annotated Code of Maryland  
 (2018 Replacement Volume)

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

### Article – Public Safety

~~5-124.~~

~~(A) IN THIS SECTION, “TRANSFER” INCLUDES A LOAN OTHER THAN A TEMPORARY GRATUITOUS EXCHANGE OF A REGULATED FIREARM BETWEEN TWO INDIVIDUALS WHO REMAIN IN THE SAME LOCATION FOR THE DURATION OF THE EXCHANGE.~~

~~[(a)] (B) (1) A person who is not a licensee may not sell, rent, transfer, or purchase a regulated firearm until after 7 days following the time a firearm application is executed by the firearm applicant, in triplicate, and the original is forwarded by a licensee to the Secretary.~~

~~(2) As an alternative to completing a secondary sale of a regulated firearm through a licensee, a prospective seller, lessor, or transferor and a prospective purchaser, lessee, or transferee may complete the transaction through a designated law enforcement agency.~~

~~[(b)] (C) A firearm applicant for a secondary sale of a regulated firearm through a licensee shall pay to the licensee a processing fee not exceeding \$20.~~

~~[(c)] (D) A person shall complete the sale, rental, or transfer of a regulated firearm within 90 days after the firearm application was stamped by the Secretary as not being disapproved.~~

~~[(d)] (E) (1) If the sale, rental, or transfer of a regulated firearm is not completed within 90 days after the firearm application was stamped by the Secretary as not being disapproved, a person shall return the firearm application to the Secretary within 7 days.~~

1           ~~(2) The Secretary shall void a firearm application returned under~~  
2 ~~paragraph (1) of this subsection as an incomplete sale, rental, or transfer.~~

3           ~~[(c)] (F) (1) (i) A person who sells, rents, or transfers a regulated firearm~~  
4 ~~in compliance with this subtitle shall forward a copy of the written notification of the~~  
5 ~~completed transaction to the Secretary within 7 days after delivery of the regulated firearm.~~

6                           ~~(ii) The notification shall contain an identifying description of the~~  
7 ~~regulated firearm, including its caliber, make, model, any manufacturer's serial number,~~  
8 ~~and any other special or peculiar characteristic or marking by which the regulated firearm~~  
9 ~~may be identified.~~

10           ~~(2) The Secretary shall maintain a permanent record of all notifications~~  
11 ~~received of completed sales, rentals, and transfers of regulated firearms in the State.~~

12 5-134.

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

16           ~~(b) IN THIS SECTION, "LOAN" INCLUDES A TEMPORARY GRATUITOUS~~  
17 ~~EXCHANGE OF A REGULATED FIREARM BETWEEN TWO INDIVIDUALS.~~

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

21                           ~~(1) is under the age of 21 years, UNLESS THE REGULATED FIREARM IS~~  
22 ~~LOANED TO A RECIPIENT WHO MAY POSSESS THE REGULATED FIREARM UNDER §~~  
23 ~~5-133(D) OF THIS SUBTITLE;~~

24                           ~~(2) has been convicted of a disqualifying crime;~~

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

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

28                           ~~(5) is a fugitive from justice;~~

29                           ~~(6) is a habitual drunkard;~~

30                           ~~(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] 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;~~

*(b) A dealer or other person may not sell, rent, **LOAN**, or transfer a regulated firearm to a purchaser, lessee, **BORROWER**, or transferee 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 BORROWER 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, **BORROWER**, or transferee or another, unless the purchaser, lessee, **BORROWER**, or transferee possesses a physician’s certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, **BORROWER**, or transferee 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, **BORROWER**, or transferee possesses a physician’s certificate that the recipient is capable of*

1 possessing a regulated firearm without undue danger to the purchaser, lessee, **BORROWER,**  
2 or transferee or to another;

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

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

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

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

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

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

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

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

19 ~~(c)~~ ~~(d)~~ A person is not required to complete a certified firearms safety training  
20 course under subsection (b)(14) of this section if the person:

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

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

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

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

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

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

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

2                           (i)   ~~ammunition solely designed for a regulated firearm to a person~~

3   ~~who is under the age of 21 years; or~~

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

5                                       ~~2.    ammunition for a firearm to a minor;~~

6                                       ~~3.    pepper mace, which is an aerosol propelled combination of~~

7   ~~highly disabling irritant based products and is also known as oleo resin capsicum (O.C.)~~

8   ~~spray, to a minor; or~~

9                                       ~~4.    another deadly weapon to a minor.~~

10                   (2)   ~~A person who violates this subsection is guilty of a misdemeanor and~~

11   ~~on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000~~

12   ~~or both.~~

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

14   October 1, 2019.

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ President of the Senate.

\_\_\_\_\_ Speaker of the House of Delegates.