

# HOUSE BILL 638

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CF 11r1200

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By: **Delegate Lopez**

Introduced and read first time: January 22, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Untraceable and Undetectable Firearms**

3 FOR the purpose of altering a certain definition of a regulated firearm to include a certain  
4 unfinished frame or receiver; requiring the Secretary of State Police to suspend a  
5 certain dealer's license if the dealer is convicted of a certain violation; requiring the  
6 Secretary to revoke a certain dealer's license if the dealer is convicted of a certain  
7 violation; expanding a certain provision of law to prohibit a person from obliterating,  
8 removing, changing, or altering a certain mark or number or any other mark of  
9 identification on a firearm or certain unfinished frame or receiver; authorizing a  
10 person to continue to possess a certain firearm or unfinished frame or receiver on or  
11 after a certain date under certain circumstances; prohibiting a person from  
12 transferring ownership of a certain firearm or unfinished frame or receiver on or  
13 after a certain date, with certain exceptions; requiring, on or after a certain date, a  
14 certain firearm or unfinished frame or receiver to be marked by a certain federally  
15 licensed firearms manufacturer or federally licensed firearms importer in a certain  
16 manner; requiring a certain serial number and other mark of identification to be  
17 engraved, cast, or stamped on a firearm frame or receiver or unfinished frame or  
18 receiver in a certain manner and to conform with certain requirements; requiring,  
19 on or after a certain date, a certain firearm or unfinished frame or receiver to be  
20 marked in a certain manner by a federally licensed firearms manufacturer before  
21 the firearm or unfinished frame or receiver is sold, offered for sale, or transferred in  
22 the State; requiring, on or after a certain date, a certain firearm or unfinished frame  
23 or receiver to be marked in a certain manner by a federally licensed firearms  
24 importer before the firearm or unfinished frame or receiver is imported or otherwise  
25 brought into the State; prohibiting a federally licensed firearms dealer from selling,  
26 offering to sell, or transferring a certain firearm or unfinished frame or receiver  
27 under certain circumstances on or after a certain date; requiring, on or after a certain  
28 date, a federally licensed firearms manufacturer, federally licensed firearms  
29 importer, and federally licensed firearms dealer to maintain a certain record log;  
30 prohibiting a person who is prohibited by law from manufacturing, assembling,  
31 owning, or possessing a firearm from knowingly soliciting, requesting, compelling,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 coercing, conspiring, facilitating, aiding, or abetting the manufacturing or  
2 assembling of a firearm or an unfinished frame or receiver; prohibiting a person from  
3 knowingly conspiring, facilitating, aiding, or abetting the manufacturing or  
4 assembling of a firearm or an unfinished frame or receiver for a person who is  
5 prohibited by law from manufacturing, assembling, owning, or possessing a firearm;  
6 prohibiting a person from manufacturing, assembling, possessing, selling, offering to  
7 sell, transferring, purchasing, or receiving a certain covert firearm or undetectable  
8 firearm; establishing certain penalties for violations of this Act; authorizing a court  
9 to order a certain suspension of prosecution if the court makes certain findings;  
10 prohibiting a dealer or certain other person from selling, renting, or transferring an  
11 unfinished frame or receiver unless the purchaser, lessee, or transferee presents a  
12 certain handgun qualification license; authorizing a person to purchase, rent, or  
13 receive an unfinished frame or receiver only under certain circumstances; providing  
14 for the application of certain provisions of this Act; defining certain terms; making  
15 conforming changes; providing for a delayed effective date for certain provisions of  
16 this Act; and generally relating to firearms.

17 BY repealing and reenacting, without amendments,  
18 Article – Public Safety  
19 Section 5–101(a) and (h) and 5–144  
20 Annotated Code of Maryland  
21 (2018 Replacement Volume and 2020 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Public Safety  
24 Section 5–101(r), 5–114, 5–117.1, and 5–142  
25 Annotated Code of Maryland  
26 (2018 Replacement Volume and 2020 Supplement)

27 BY adding to  
28 Article – Public Safety  
29 Section 5–701 through 5–707 to be under the new subtitle “Subtitle 7. Untraceable  
30 and Undetectable Firearms”  
31 Annotated Code of Maryland  
32 (2018 Replacement Volume and 2020 Supplement)

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

35 **Article – Public Safety**

36 5–101.

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

38 (h) (1) “Firearm” means:

1 (i) a weapon that expels, is designed to expel, or may readily be  
2 converted to expel a projectile by the action of an explosive; or

3 (ii) the frame or receiver of such a weapon.

4 (2) "Firearm" includes a starter gun.

5 (r) "Regulated firearm" means:

6 (1) a handgun; [or]

7 **(2) AN UNFINISHED FRAME OR RECEIVER, AS DEFINED IN § 5-701 OF**  
8 **THIS TITLE; OR**

9 **[(2)] (3)** a firearm that is any of the following specific assault weapons or  
10 their copies, regardless of which company produced and manufactured that assault weapon:

11 (i) American Arms Spectre da Semiautomatic carbine;

12 (ii) AK-47 in all forms;

13 (iii) Algimec AGM-1 type semi-auto;

14 (iv) AR 100 type semi-auto;

15 (v) AR 180 type semi-auto;

16 (vi) Argentine L.S.R. semi-auto;

17 (vii) Australian Automatic Arms SAR type semi-auto;

18 (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;

19 (ix) Barrett light.50 cal. semi-auto;

20 (x) Beretta AR70 type semi-auto;

21 (xi) Bushmaster semi-auto rifle;

22 (xii) Calico models M-100 and M-900;

23 (xiii) CIS SR 88 type semi-auto;

24 (xiv) Claridge HI TEC C-9 carbines;

25 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15  
26 Sporter H-BAR rifle;

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- 1 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
- 2 (xvii) Dragunov Chinese made semi-auto;
- 3 (xviii) Famas semi-auto (.223 caliber);
- 4 (xix) Feather AT-9 semi-auto;
- 5 (xx) FN LAR and FN FAL assault rifle;
- 6 (xxi) FNC semi-auto type carbine;
- 7 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 8 (xxiii) Steyr-AUG-SA semi-auto;
- 9 (xxiv) Galil models AR and ARM semi-auto;
- 10 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 11 (xxvi) Holmes model 88 shotgun;
- 12 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- 13 (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- 14 (xxix) Mandell TAC-1 semi-auto carbine;
- 15 (xxx) Mossberg model 500 Bullpup assault shotgun;
- 16 (xxxi) Sterling Mark 6;
- 17 (xxxii) P.A.W.S. carbine;
- 18 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- 19 (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- 20 (xxxv) SKS with detachable magazine;
- 21 (xxxvi) AP-74 Commando type semi-auto;
- 22 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21  
23 sniper rifle, M1A, excluding the M1 Garand;
- 24 (xxxviii) Street sweeper assault type shotgun;

- 1 (xxxix) Striker 12 assault shotgun in all formats;  
2 (xl) Unique F11 semi-auto type;  
3 (xli) Daewoo USAS 12 semi-auto shotgun;  
4 (xlii) UZI 9mm carbine or rifle;  
5 (xliii) Valmet M-76 and M-78 semi-auto;  
6 (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or  
7 (xlv) Wilkinson Arms 9mm semi-auto "Terry".

8 5-114.

9 (a) (1) The Secretary shall suspend a dealer's license if the licensee:

- 10 (i) is under indictment for a crime of violence; [or]  
11 (ii) is arrested for a violation of this subtitle that prohibits the  
12 purchase or possession of a regulated firearm; **OR**

13 **(III) IS CONVICTED OF A FIRST VIOLATION UNDER SUBTITLE 7**  
14 **OF THIS TITLE.**

15 (2) (i) The Secretary may suspend a dealer's license if the licensee is  
16 not in compliance with the record keeping and reporting requirements of § 5-145 of this  
17 subtitle.

18 (ii) The Secretary may lift a suspension under this paragraph after  
19 the licensee provides evidence that the record keeping violation has been corrected.

20 (b) The Secretary shall revoke a dealer's license if:

21 (1) it is discovered that false information has been supplied or false  
22 statements have been made in an application required by this subtitle; or

23 (2) the licensee:

24 (i) is convicted of a disqualifying crime;

25 (ii) is convicted of a violation classified as a common law crime and  
26 receives a term of imprisonment of more than 2 years;

27 (iii) is a fugitive from justice;

1 (iv) is a habitual drunkard;

2 (v) is addicted to a controlled dangerous substance or is a habitual  
3 user;

4 (vi) has spent more than 30 consecutive days in a medical institution  
5 for treatment of a mental disorder, unless the licensee produces a physician's certificate,  
6 issued after the last institutionalization and certifying that the licensee is capable of  
7 possessing a regulated firearm without undue danger to the licensee or to another;

8 (vii) has knowingly or willfully manufactured, offered to sell, or sold  
9 a handgun not on the handgun roster in violation of § 5-406 of this title; [or]

10 (viii) has knowingly or willfully participated in a straw purchase of a  
11 regulated firearm; **OR**

12 **(IX) IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION,**  
13 **NOT STEMMING FROM THE SAME SALE OR TRANSFER AS THE FIRST VIOLATION,**  
14 **UNDER SUBTITLE 7 OF THIS TITLE.**

15 (c) If the Secretary suspends or revokes a dealer's license, the Secretary shall  
16 notify the licensee in writing of the suspension or revocation.

17 (d) A person whose dealer's license is suspended or revoked may not engage in  
18 the business of selling, renting, or transferring regulated firearms, unless the suspension  
19 or revocation has been subsequently withdrawn by the Secretary or overruled by a court in  
20 accordance with § 5-116 of this subtitle.

21 5-142.

22 (a) A person may not obliterate, remove, change, or alter the manufacturer's  
23 identification mark or number **OR ANY OTHER MARK OF IDENTIFICATION** on a firearm  
24 **OR AN UNFINISHED FRAME OR RECEIVER, AS DEFINED IN § 5-701 OF THIS TITLE.**

25 (b) If on trial for a violation of this section possession of the firearm by the  
26 defendant is established, the defendant is presumed to have obliterated, removed, changed,  
27 or altered the manufacturer's identification mark or number **OR OTHER MARK OF**  
28 **IDENTIFICATION** on the firearm **OR UNFINISHED FRAME OR RECEIVER.**

29 5-144.

30 (a) Except as otherwise provided in this subtitle, a dealer or other person may  
31 not:

32 (1) knowingly participate in the illegal sale, rental, transfer, purchase,

1 possession, or receipt of a regulated firearm in violation of this subtitle; or

2 (2) knowingly violate § 5-142 of this subtitle.

3 (b) A person who violates this section is guilty of a misdemeanor and on conviction  
4 is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

5 (c) Each violation of this section is a separate crime.

6 **SUBTITLE 7. UNTRACEABLE AND UNDETECTABLE FIREARMS.**

7 **5-701.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

10 (B) "ANTIQUE FIREARM" HAS THE MEANING STATED IN § 4-201 OF THE  
11 CRIMINAL LAW ARTICLE.

12 (C) "DEALER'S LICENSE" HAS THE MEANING STATED IN § 5-101 OF THIS  
13 TITLE.

14 (D) "FEDERALLY LICENSED FIREARMS DEALER" MEANS A PERSON  
15 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
16 EXPLOSIVES TO DEAL FIREARMS.

17 (E) "FEDERALLY LICENSED FIREARMS IMPORTER" MEANS A PERSON  
18 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
19 EXPLOSIVES TO IMPORT FIREARMS.

20 (F) "FEDERALLY LICENSED FIREARMS MANUFACTURER" MEANS A PERSON  
21 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
22 EXPLOSIVES TO MANUFACTURE FIREARMS.

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

24 (H) "HANDGUN QUALIFICATION LICENSE" HAS THE MEANING STATED IN §  
25 5-101 OF THIS TITLE.

26 (I) "MANUFACTURE OR ASSEMBLE" MEANS TO:

27 (1) FABRICATE OR CONSTRUCT A FIREARM OR AN UNFINISHED  
28 FRAME OR RECEIVER; OR

1           **(2) FIT TOGETHER THE COMPONENT PARTS OF A FIREARM OR AN**  
2 **UNFINISHED FRAME OR RECEIVER TO CONSTRUCT A FIREARM OR AN UNFINISHED**  
3 **FRAME OR RECEIVER.**

4           **(J) (1) “UNFINISHED FRAME OR RECEIVER” MEANS A PRODUCT THAT IS**  
5 **INTENDED OR DESIGNED TO SERVE AS THE FRAME OR RECEIVER, INCLUDING THE**  
6 **LOWER RECEIVER, OF A FIREARM, BUT IS IN AN UNFINISHED STATE OF**  
7 **MANUFACTURE.**

8           **(2) “UNFINISHED FRAME OR RECEIVER” INCLUDES A BLANK,**  
9 **CASTING, OR MACHINED BODY THAT REQUIRES MODIFICATION, SUCH AS**  
10 **MACHINING, DRILLING, FILING, OR MOLDING, TO BE USED AS PART OF A**  
11 **FUNCTIONAL FIREARM, IF IT DOES NOT INCLUDE A PIECE OF MATERIAL THAT HAS:**

12                   **(I) BEEN ALTERED IN SIZE OR EXTERNAL SHAPE SOLELY TO**  
13 **FACILITATE TRANSPORTATION OR STORAGE; OR**

14                   **(II) UNDERGONE AN ALTERATION IN CHEMICAL COMPOSITION.**

15 **5-702.**

16           **THIS SUBTITLE DOES NOT APPLY TO:**

17                   **(1) A FIREARM MANUFACTURED BEFORE 1968;**

18                   **(2) AN ANTIQUE FIREARM;**

19                   **(3) A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT IS**  
20 **REQUIRED BY FEDERAL LAW AND REGULATION TO BE ENGRAVED, CAST, OR**  
21 **STAMPED WITH A SERIAL NUMBER AND HAS BEEN ENGRAVED, CAST, OR STAMPED**  
22 **WITH A SERIAL NUMBER IN ACCORDANCE WITH ALL FEDERAL LAWS AND**  
23 **REGULATIONS;**

24                   **(4) SALES, OFFERS TO SELL, TRANSFERS, OR POSSESSION OF**  
25 **FIREARMS OR UNFINISHED FRAMES OR RECEIVERS BY OR BETWEEN FEDERALLY**  
26 **LICENSED FIREARMS DEALERS, FEDERALLY LICENSED FIREARMS**  
27 **MANUFACTURERS, OR FEDERALLY LICENSED FIREARMS IMPORTERS; OR**

28                   **(5) THE TRANSFERRING OR SURRENDERING OF A FIREARM OR AN**  
29 **UNFINISHED FRAME OR RECEIVER TO A LAW ENFORCEMENT AGENCY.**

30 **5-703.**

1           **(A) ON OR AFTER JANUARY 1, 2022, A PERSON MAY CONTINUE TO POSSESS**  
2 **A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT THE PERSON**  
3 **MANUFACTURED OR ASSEMBLED AND LAWFULLY POSSESSED BEFORE JANUARY 1,**  
4 **2022, IF:**

5           **(1) THE FIREARM OR UNFINISHED FRAME OR RECEIVER IS MARKED**  
6 **WITH A UNIQUE SERIAL NUMBER THAT:**

7                   **(I) INDICATES:**

8                           **1. THE MODEL OF THE FIREARM OR UNFINISHED FRAME**  
9 **OR RECEIVER, IF SUCH DESIGNATION HAS BEEN MADE;**

10                           **2. THE CALIBER OR GAUGE; AND**

11                           **3. THE FULL LEGAL NAME AND CITY OF THE PERSON**  
12 **POSSESSING THE FIREARM OR UNFINISHED FRAME OR RECEIVER.**

13                   **(II) IS CONSPICUOUSLY AND PERMANENTLY ENGRAVED, CAST,**  
14 **OR STAMPED ON THE FIREARM FRAME OR RECEIVER OR UNFINISHED FRAME OR**  
15 **RECEIVER; AND**

16                   **(III) CONFORMS WITH THE REQUIREMENTS IMPOSED ON**  
17 **FEDERALLY LICENSED FIREARM MANUFACTURERS AND FEDERALLY LICENSED**  
18 **FIREARM IMPORTERS UNDER 18 U.S.C. § 923(I); AND**

19           **(2) THE PERSON MAINTAINS A RECORD LOG THAT INCLUDES:**

20                   **(I) ALL UNIQUE SERIAL NUMBERS ENGRAVED, CAST, OR**  
21 **STAMPED ON THE FIREARM FRAME OR RECEIVER OR UNFINISHED FRAME OR**  
22 **RECEIVER; AND**

23                   **(II) THE DATE THE FIREARM FRAME OR RECEIVER OR**  
24 **UNFINISHED FRAME OR RECEIVER WAS CONSPICUOUSLY AND PERMANENTLY**  
25 **ENGRAVED, CAST, OR STAMPED.**

26           **(B) ON OR AFTER JANUARY 1, 2022, A PERSON MAY NOT TRANSFER THE**  
27 **OWNERSHIP OF A FIREARM OR UNFINISHED FRAME OR RECEIVER THAT THE PERSON**  
28 **MANUFACTURED OR ASSEMBLED AND LAWFULLY POSSESSED BEFORE JANUARY 1,**  
29 **2022, THAT IS MARKED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION,**  
30 **UNLESS THE TRANSFER OF OWNERSHIP IS MADE TO:**

31                   **(1) ANOTHER FAMILY MEMBER WHO POSSESSES A VALID HANDGUN**

1 QUALIFICATION LICENSE ISSUED UNDER § 5-117.1 OF THIS TITLE; OR

2 (2) A LAW ENFORCEMENT AGENCY.

3 5-704.

4 (A) EXCEPT AS PROVIDED IN § 5-703 OF THIS SUBTITLE, ON OR AFTER  
5 JANUARY 1, 2022, A FIREARM OR AN UNFINISHED FRAME OR RECEIVER SHALL BE  
6 MARKED BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR FEDERALLY  
7 LICENSED FIREARMS IMPORTER:

8 (1) WITH A UNIQUE SERIAL NUMBER; AND

9 (2) TO INDICATE:

10 (I) THE MODEL OF THE FIREARM OR UNFINISHED FRAME OR  
11 RECEIVER, IF SUCH DESIGNATION HAS BEEN MADE;

12 (II) THE CALIBER OR GAUGE;

13 (III) IF THE PRODUCT WAS MANUFACTURED OR ASSEMBLED IN  
14 THE STATE, THE FULL LEGAL NAME AND CITY OF THE MANUFACTURER; AND

15 (IV) IF THE PRODUCT WAS MANUFACTURED OR ASSEMBLED  
16 OUTSIDE THE STATE AND SUBSEQUENTLY IMPORTED OR OTHERWISE BROUGHT  
17 INTO THE STATE, THE FULL LEGAL NAME AND CITY OF THE ENTITY THAT IMPORTED  
18 OR BROUGHT THE PRODUCT INTO THE STATE AND THE STATE OR COUNTRY OF  
19 ORIGIN.

20 (B) EACH SERIAL NUMBER AND OTHER MARK OF IDENTIFICATION  
21 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

22 (1) BE CONSPICUOUSLY AND PERMANENTLY ENGRAVED, CAST, OR  
23 STAMPED ON THE FIREARM FRAME OR RECEIVER OR UNFINISHED FRAME OR  
24 RECEIVER; AND

25 (2) CONFORM WITH THE REQUIREMENTS IMPOSED ON FEDERALLY  
26 LICENSED FIREARM MANUFACTURERS AND FEDERALLY LICENSED FIREARM  
27 IMPORTERS UNDER 18 U.S.C. § 923(i).

28 (C) ON OR AFTER JANUARY 1, 2022, EXCEPT AS PROVIDED IN § 5-703 OF  
29 THIS SUBTITLE:

1           **(1) A FIREARM OR AN UNFINISHED FRAME OR RECEIVER SHALL BE**  
2 **MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION BY A**  
3 **FEDERALLY LICENSED FIREARMS MANUFACTURER BEFORE THE FIREARM OR**  
4 **UNFINISHED FRAME OR RECEIVER IS SOLD, OFFERED FOR SALE, OR TRANSFERRED**  
5 **IN THE STATE;**

6           **(2) A FIREARM OR UNFINISHED FRAME OR RECEIVER SHALL BE**  
7 **MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION BY A**  
8 **FEDERALLY LICENSED FIREARMS IMPORTER BEFORE THE FIREARM OR UNFINISHED**  
9 **FRAME OR RECEIVER IS IMPORTED OR OTHERWISE BROUGHT INTO THE STATE;**

10           **(3) A FEDERALLY LICENSED FIREARMS DEALER MAY NOT SELL,**  
11 **OFFER TO SELL, OR TRANSFER A FIREARM OR AN UNFINISHED FRAME OR RECEIVER**  
12 **THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF**  
13 **THIS SECTION;**

14           **(4) A FEDERALLY LICENSED FIREARMS DEALER, FEDERALLY**  
15 **LICENSED FIREARMS MANUFACTURER, AND FEDERALLY LICENSED FIREARMS**  
16 **IMPORTER SHALL MAINTAIN A RECORD LOG OF ANY SALE OR TRANSFER OF A**  
17 **FIREARM OR AN UNFINISHED FRAME OR RECEIVER AS REQUIRED BY FEDERAL LAW**  
18 **AND REGULATION; AND**

19           **(5) A PERSON MAY NOT POSSESS A FIREARM OR AN UNFINISHED**  
20 **FRAME OR RECEIVER THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH**  
21 **SUBSECTIONS (A) AND (B) OF THIS SECTION.**

22 **5-705.**

23           **(A) A PERSON WHO IS PROHIBITED BY LAW FROM MANUFACTURING,**  
24 **ASSEMBLING, OWNING, OR POSSESSING A FIREARM MAY NOT KNOWINGLY SOLICIT,**  
25 **REQUEST, COMPEL, COERCE, CONSPIRE, FACILITATE, AID, OR ABET THE**  
26 **MANUFACTURING OR ASSEMBLING OF A FIREARM OR AN UNFINISHED FRAME OR**  
27 **RECEIVER.**

28           **(B) A PERSON MAY NOT KNOWINGLY CONSPIRE, FACILITATE, AID, OR ABET**  
29 **THE MANUFACTURING OR ASSEMBLING OF A FIREARM OR AN UNFINISHED FRAME**  
30 **OR RECEIVER FOR A PERSON WHO IS PROHIBITED BY LAW FROM MANUFACTURING,**  
31 **ASSEMBLING, OWNING, OR POSSESSING A FIREARM.**

32           **(C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
33 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
34 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000, OR BOTH.**

1           **(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE CRIME.**

2 **5-706.**

3           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5           **(2) "COVERT FIREARM" MEANS A FIREARM THAT IS CONSTRUCTED IN**  
6 **A SHAPE OR CONFIGURATION THAT A REASONABLE PERSON WOULD NOT**  
7 **IMMEDIATELY RECOGNIZE TO BE A FIREARM.**

8           **(3) "SECURITY EXEMPLAR" HAS THE MEANING STATED IN 18 U.S.C.**  
9 **10 § 922(P).**

10           **(4) "UNDETECTABLE FIREARM" MEANS A FIREARM:**

11                   **(I) THAT, AFTER REMOVAL OF GRIPS, STOCKS, AND**  
12 **MAGAZINES, IS NOT DETECTABLE BY A METAL DETECTOR CALIBRATED AND**  
13 **OPERATED TO DETECT A SECURITY EXEMPLAR; OR**

14                   **(II) OF WHICH THE SLIDE, CYLINDER, FRAME, RECEIVER, OR**  
15 **BARREL, WHEN SUBJECTED TO INSPECTION BY AN X-RAY MACHINE THAT IS OF A**  
16 **TYPE COMMONLY USED AT AIRPORTS, DOES NOT GENERATE AN IMAGE THAT**  
17 **ACCURATELY DEPICTS THE SHAPE OF THE SLIDE, CYLINDER, FRAME, RECEIVER, OR**  
18 **BARREL.**

19           **(B) A PERSON MAY NOT:**

20                   **(1) MANUFACTURE OR ASSEMBLE A COVERT FIREARM OR AN**  
21 **UNDETECTABLE FIREARM; OR**

22                   **(2) POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR**  
23 **RECEIVE A COVERT FIREARM OR AN UNDETECTABLE FIREARM.**

24 **5-707.**

25           **(A) EXCEPT AS PROVIDED IN § 5-705 OF THIS SUBTITLE AND SUBSECTION**  
26 **(B) OF THIS SECTION, A PERSON WHO VIOLATES THIS SUBTITLE:**

27                   **(1) FOR A FIRST VIOLATION, IS GUILTY OF A CIVIL OFFENSE AND ON**  
28 **CONVICTION SHALL BE FINED NOT LESS THAN \$1,000 BUT NOT EXCEEDING \$2,500;**  
29 **AND**

1           **(2) FOR A SUBSEQUENT VIOLATION, IS GUILTY OF A MISDEMEANOR**  
2 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A**  
3 **FINE NOT EXCEEDING \$5,000, OR BOTH.**

4           **(B) A COURT MAY ORDER A SUSPENSION OF PROSECUTION IF THE COURT**  
5 **FINDS THAT:**

6           **(1) A VIOLATION UNDER THIS SECTION IS NOT OF A SERIOUS NATURE;**  
7 **AND**

8           **(2) THE PERSON CHARGED WITH THE VIOLATION:**

9                   **(I) IS NOT LIKELY TO OFFEND IN THE FUTURE;**

10                   **(II) HAS NOT PREVIOUSLY BEEN CONVICTED OF A VIOLATION**  
11 **UNDER THIS SECTION; AND**

12                   **(III) HAS NOT PREVIOUSLY HAD A PROSECUTION FOR A**  
13 **VIOLATION UNDER THIS SECTION SUSPENDED.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
15 as follows:

16                                   **Article – Public Safety**

17           5–117.1.

18           **(A) IN THIS SECTION, “UNFINISHED FRAME OR RECEIVER” HAS THE**  
19 **MEANING STATED IN § 5–701 OF THIS TITLE.**

20           **[(a)] (B)**       This section does not apply to:

21                   (1)   a licensed firearms manufacturer;

22                   (2)   a law enforcement officer or person who is retired in good standing from  
23 service with a law enforcement agency of the United States, the State, or a local law  
24 enforcement agency of the State;

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

27                   (4)   a person purchasing, renting, or receiving an antique, curio, or relic  
28 firearm, as defined in federal law or in determinations published by the Bureau of Alcohol,  
29 Tobacco, Firearms and Explosives.

1           **[(b)] (C)**       A dealer or any other person may not sell, rent, or transfer a handgun  
2 **OR AN UNFINISHED FRAME OR RECEIVER** to a purchaser, lessee, or transferee unless the  
3 purchaser, lessee, or transferee presents to the dealer or other person a valid handgun  
4 qualification license issued to the purchaser, lessee, or transferee by the Secretary under  
5 this section.

6           **[(c)] (D)**       A person may purchase, rent, or receive a handgun **OR AN**  
7 **UNFINISHED FRAME OR RECEIVER** only if the person:

8                   (1)   (i)       possesses a valid handgun qualification license issued to the  
9 person by the Secretary in accordance with this section;

10                   (ii)       possesses valid credentials from a law enforcement agency or  
11 retirement credentials from a law enforcement agency;

12                   (iii)      is an active or retired member of the armed forces of the United  
13 States or the National Guard and possesses a valid military identification card; or

14                   (iv)      is purchasing, renting, or receiving an antique, curio, or relic  
15 firearm, as defined in federal law or in determinations published by the Bureau of Alcohol,  
16 Tobacco, Firearms and Explosives; and

17                   (2)       is not otherwise prohibited from purchasing or possessing a handgun  
18 under State or federal law.

19           **[(d)] (E)**       Subject to subsections **[(f)] (G)** and **[(g)] (H)** of this section, the  
20 Secretary shall issue a handgun qualification license to a person who the Secretary finds:

21                   (1)       is at least 21 years old;

22                   (2)       is a resident of the State;

23                   (3)       except as provided in subsection **[(e)] (F)** of this section, has  
24 demonstrated satisfactory completion, within 3 years prior to the submission of the  
25 application, of a firearms safety training course approved by the Secretary that includes:

26                   (i)       a minimum of 4 hours of instruction by a qualified handgun  
27 instructor;

28                   (ii)      classroom instruction on:

29                           1.       State firearm law;

30                           2.       home firearm safety; and

31                           3.       handgun mechanisms and operation; and

1 (iii) a firearms orientation component that demonstrates the person's  
2 safe operation and handling of a firearm; and

3 (4) based on an investigation, is not prohibited by federal or State law from  
4 purchasing or possessing a handgun.

5 **[(e)] (F)** An applicant for a handgun qualification license is not required to  
6 complete a firearms safety training course under subsection **[(d)] (E)** of this section if the  
7 applicant:

8 (1) has completed a certified firearms training course approved by the  
9 Secretary;

10 (2) has completed a course of instruction in competency and safety in the  
11 handling of firearms prescribed by the Department of Natural Resources under § 10-301.1  
12 of the Natural Resources Article;

13 (3) is a qualified handgun instructor;

14 (4) is an honorably discharged member of the armed forces of the United  
15 States or the National Guard;

16 (5) is an employee of an armored car company and has a permit issued  
17 under Title 5, Subtitle 3 of this article; or

18 (6) lawfully owns a regulated firearm.

19 **[(f)] (G)** (1) In this subsection, "Central Repository" means the Criminal  
20 Justice Information System Central Repository of the Department of Public Safety and  
21 Correctional Services.

22 (2) The Secretary shall apply to the Central Repository for a State and  
23 national criminal history records check for each applicant for a handgun qualification  
24 license.

25 (3) As part of the application for a criminal history records check, the  
26 Secretary shall submit to the Central Repository:

27 (i) a complete set of the applicant's legible fingerprints taken in a  
28 format approved by the Director of the Central Repository and the Director of the Federal  
29 Bureau of Investigation;

30 (ii) the fee authorized under § 10-221(b)(7) of the Criminal  
31 Procedure Article for access to Maryland criminal history records; and

32 (iii) the mandatory processing fee required by the Federal Bureau of

1 Investigation for a national criminal history records check.

2 (4) The Central Repository shall provide a receipt to the applicant for the  
3 fees paid in accordance with paragraph (3)(ii) and (iii) of this subsection.

4 (5) In accordance with §§ 10–201 through 10–234 of the Criminal  
5 Procedure Article, the Central Repository shall forward to the applicant and the Secretary  
6 a printed statement of the applicant’s criminal history information.

7 (6) Information obtained from the Central Repository under this section:

8 (i) is confidential and may not be disseminated; and

9 (ii) shall be used only for the licensing purpose authorized by this  
10 section.

11 (7) If criminal history record information is reported to the Central  
12 Repository after the date of the initial criminal history records check, the Central  
13 Repository shall provide to the Department of State Police Licensing Division a revised  
14 printed statement of the applicant’s or licensee’s State criminal history record.

15 **[(g)] (H)** An applicant for a handgun qualification license shall submit to the  
16 Secretary:

17 (1) an application in the manner and format designated by the Secretary;

18 (2) a nonrefundable application fee to cover the costs to administer the  
19 program of up to \$50;

20 (3) (i) proof of satisfactory completion of:

21 1. a firearms safety training course approved by the  
22 Secretary; or

23 2. a course of instruction in competency and safety in the  
24 handling of firearms prescribed by the Department of Natural Resources under § 10–301.1  
25 of the Natural Resources Article; or

26 (ii) a valid firearms instructor certification;

27 (4) any other identifying information or documentation required by the  
28 Secretary; and

29 (5) a statement made by the applicant under the penalty of perjury that  
30 the applicant is not prohibited under federal or State law from possessing a handgun.

31 **[(h)] (I)** (1) Within 30 days after receiving a properly completed application,

1 the Secretary shall issue to the applicant:

2 (i) a handgun qualification license if the applicant is approved; or

3 (ii) a written denial of the application that contains:

4 1. the reason the application was denied; and

5 2. a statement of the applicant's appeal rights under  
6 subsection **[(l)] (M)** of this section.

7 (2) (i) An individual whose fingerprints have been submitted to the  
8 Central Repository, and whose application has been denied, may request that the record of  
9 the fingerprints be expunged by obliteration.

10 (ii) Proceedings to expunge a record under this paragraph shall be  
11 conducted in accordance with § 10–105 of the Criminal Procedure Article.

12 (iii) On receipt of an order to expunge a fingerprint record, the  
13 Central Repository shall expunge by obliteration the fingerprints submitted as part of the  
14 application process.

15 (iv) An individual may not be charged a fee for the expungement of a  
16 fingerprint record in accordance with this paragraph.

17 **[(i)] (J)** A handgun qualification license issued under this section expires 10  
18 years from the date of issuance.

19 **[(j)] (K)** (1) The handgun qualification license may be renewed for successive  
20 periods of 10 years each if, at the time of an application for renewal, the applicant:

21 (i) possesses the qualifications for the issuance of the handgun  
22 qualification license; and

23 (ii) submits a nonrefundable application fee to cover the costs to  
24 administer the program up to \$20.

25 (2) An applicant renewing a handgun qualification license under this  
26 subsection is not required to:

27 (i) complete the firearms safety training course required in  
28 subsection **[(d)(3)] (E)(3)** of this section; or

29 (ii) submit to a State and national criminal history records check as  
30 required in subsection **[(f)] (G)** of this section.

1            ~~[(k)]~~ **(L)**        (1)     The Secretary may revoke a handgun qualification license issued  
2 or renewed under this section on a finding that the licensee no longer satisfies the  
3 qualifications set forth in subsection ~~[(d)]~~ **(E)** of this section.

4            (2)     A person holding a handgun qualification license that has been revoked  
5 by the Secretary shall return the license to the Secretary within 5 days after receipt of the  
6 notice of revocation.

7            ~~[(l)]~~ **(M)**        (1)     A person whose original or renewal application for a handgun  
8 qualification license is denied or whose handgun qualification license is revoked, may  
9 submit a written request to the Secretary for a hearing within 30 days after the date the  
10 written notice of the denial or revocation was sent to the aggrieved person.

11            (2)     A hearing under this section shall be granted by the Secretary within  
12 15 days after the request.

13            (3)     A hearing and any subsequent proceedings of judicial review under this  
14 section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government  
15 Article.

16            (4)     A hearing under this section shall be held in the county of the legal  
17 residence of the aggrieved person.

18            ~~[(m)]~~ **(N)**        (1)     If an original or renewal handgun qualification license is lost or  
19 stolen, a person may submit a written request to the Secretary for a replacement license.

20            (2)     Unless the applicant is otherwise disqualified, the Secretary shall issue  
21 a replacement handgun qualification license on receipt of a written request and a  
22 nonrefundable fee to cover the cost of replacement up to \$20.

23            ~~[(n)]~~ **(O)**        The Secretary may adopt regulations to carry out the provisions of this  
24 section.

25            SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
26 effect January 1, 2022.

27            SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
28 3 of this Act, this Act shall take effect October 1, 2021.