

Chapter 55

(House Bill 1021)

AN ACT concerning

Public Safety – Licensed Firearms Dealers – Security Requirements

FOR the purpose of prohibiting a certain licensed firearms dealer from storing a firearm on a certain premises where the licensed dealer conducts business, unless the premises is equipped with certain security features; requiring a licensed firearms dealer to lock certain firearms in a certain location outside business hours; requiring the Secretary of State Police to suspend a certain dealer's license if the dealer is found in violation of a certain offense; requiring the Secretary to revoke a certain dealer's license if the dealer is found in violation of a certain offense; and generally relating to security requirements for licensed firearms dealers.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 5–114(a) and (b)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Public Safety

Section 5–145.1

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

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

Article – Public Safety

5–114.

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

(i) is under indictment for a crime of violence; [or]

(ii) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; OR

(III) IS FOUND IN VIOLATION OF A SECOND OFFENSE UNDER § 5–145.1 OF THIS SUBTITLE.

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

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

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

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

(2) the licensee:

(i) is convicted of a disqualifying crime;

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

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

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

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

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

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

(IX) IS FOUND IN VIOLATION OF A THIRD OR SUBSEQUENT OFFENSE UNDER § 5-145.1 OF THIS SUBTITLE.

5-145.1.

(A) A LICENSED DEALER MAY NOT CONDUCT BUSINESS AND STORE FIREARMS AT A LOCATION UNLESS:

(1) THE PREMISES ON WHICH THE LICENSED DEALER OPERATES IS EQUIPPED WITH SECURITY FEATURES, INCLUDING:

(I) EQUIPMENT CAPABLE OF FILMING AND RECORDING VIDEO FOOTAGE INSIDE AND OUTSIDE BUILDINGS WHERE FIREARMS ARE STORED;

(II) ~~BARS OR SECURITY SCREENS~~ AT LEAST ONE OF THE FOLLOWING FEATURES DESIGNED TO PREVENT UNAUTHORIZED ENTRY INSTALLED ON ALL EXTERIOR DOORS AND WINDOWS OF ALL BUILDINGS WHERE FIREARMS ARE STORED;

1. BARS;

2. SECURITY SCREENS;

3. COMMERCIAL GRADE METAL DOORS;

4. GRATES; OR

5. OTHER PHYSICAL BARRIERS APPROVED BY THE

SECRETARY;

(III) A BURGLARY ALARM SYSTEM THAT IS CONTINUALLY MONITORED; AND

(IV) IF PRACTICABLE, PHYSICAL BARRIERS DESIGNED TO PREVENT THE USE OF MOTOR VEHICLES TO BREACH ALL BUILDINGS WHERE FIREARMS ARE STORED; AND OR

(2) OUTSIDE BUSINESS HOURS, THE LICENSED DEALER LOCKS ALL FIREARMS STORED ON THE PREMISES IN:

(I) A VAULT;

(II) A SAFE; OR

(III) A ~~SECURE~~ ROOM OR BUILDING THAT MEETS THE REQUIREMENTS UNDER ITEM (1) OF THIS SUBSECTION.

(B) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~ THIS SUBSECTION DOES NOT APPLY IF THE EQUIPMENT OR ALARM SYSTEM BECAME TEMPORARILY INOPERABLE AT NO FAULT OF THE LICENSED DEALER.

(2) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

~~**(2) (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH, IF THE OFFENSE IS:**~~

~~**(i) A SECOND OR SUBSEQUENT OFFENSE; AND**~~

~~**(ii) COMMITTED KNOWINGLY AND WILLFULLY IN ADDITION TO THE PENALTY IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS SECTION IS SUBJECT TO:**~~

~~**(i) FOR A SECOND OFFENSE, SUSPENSION OF THE PERSON'S DEALER'S LICENSE; AND**~~

~~**(ii) FOR A THIRD OR SUBSEQUENT OFFENSE, REVOCATION OF THE PERSON'S DEALER'S LICENSE.**~~

~~**(c) THE SECRETARY SHALL ADOPT RULES AND REGULATIONS TO DETERMINE WHETHER A LICENSED DEALER HAS MET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Gubernatorial Veto Override, April 9, 2022.