

HOUSE BILL 934

E4

4lr2655

By: **Delegates Smigiel, Dwyer, Glass, Jacobs, McComas, McDermott, Parrott, and Serafini**

Introduced and read first time: February 5, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Application for Purchase and Required Registration – Use of**
3 **Term “Voluntary” Registrant Prohibited**

4 FOR the purpose of prohibiting certain applications for purchase of a firearm or
5 registration of a regulated firearm from referring to an applicant as a
6 “voluntary” registrant; and generally relating to the purchase and registration
7 of firearms.

8 BY repealing and reenacting, with amendments,
9 Article – Public Safety
10 Section 5–118 and 5–143
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2013 Supplement)

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

15 **Article – Public Safety**

16 5–118.

17 (a) A firearm applicant shall:

18 (1) submit to a licensee or designated law enforcement agency a
19 firearm application on the form that the Secretary provides; and

20 (2) pay to the licensee or designated law enforcement agency an
21 application fee of \$10.

22 (b) A firearm application shall contain:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the firearm applicant's name, address, Social Security number,
2 place and date of birth, height, weight, race, eye and hair color, signature, driver's or
3 photographic identification soundex number, occupation, and regulated firearm
4 information for each regulated firearm to be purchased, rented, or transferred;

5 (2) the date and time that the firearm applicant delivered the
6 completed firearm application to the prospective seller or transferor;

7 (3) a statement by the firearm applicant under the penalty of perjury
8 that the firearm applicant:

9 (i) is at least 21 years old;

10 (ii) has never been convicted of a disqualifying crime;

11 (iii) has never been convicted of a violation classified as a
12 common law crime and received a term of imprisonment of more than 2 years;

13 (iv) is not a fugitive from justice;

14 (v) is not a habitual drunkard;

15 (vi) is not addicted to a controlled dangerous substance or is not
16 a habitual user;

17 (vii) does not suffer from a mental disorder as defined in §
18 10–101(f)(2) of the Health – General Article and have a history of violent behavior
19 against the firearm applicant or another;

20 (viii) has never been found incompetent to stand trial under §
21 3–106 of the Criminal Procedure Article;

22 (ix) has never been found not criminally responsible under §
23 3–110 of the Criminal Procedure Article;

24 (x) has never been voluntarily admitted for more than 30
25 consecutive days to a facility as defined in § 10–101 of the Health – General Article;

26 (xi) has never been involuntarily committed to a facility as
27 defined in § 10–101 of the Health – General Article;

28 (xii) is not under the protection of a guardian appointed by a
29 court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases
30 in which the appointment of a guardian is solely a result of a physical disability;

31 (xiii) is not a respondent against whom:

1 1. a current non ex parte civil protective order has been
2 entered under § 4–506 of the Family Law Article; or

3 2. an order for protection, as defined in § 4–508.1 of the
4 Family Law Article, has been issued by a court of another state or a Native American
5 tribe and is in effect; and

6 (xiv) if under the age of 30 years at the time of application, has
7 not been adjudicated delinquent by a juvenile court for an act that would be a
8 disqualifying crime if committed by an adult; and

9 (4) a copy of the applicant’s handgun qualification license.

10 (c) Each firearm application shall contain the following statement: “Any
11 false information supplied or statement made in this application is a crime which may
12 be punished by imprisonment for a period of not more than 3 years, or a fine of not
13 more than \$5,000, or both.”.

14 (d) If the firearm applicant is a corporation, a corporate officer who is a
15 resident of the State shall complete and execute the firearm application.

16 **(E) A FIREARM APPLICATION UNDER THIS SECTION MAY NOT REFER TO**
17 **AN APPLICANT AS A “VOLUNTARY” REGISTRANT.**

18 5–143.

19 (a) (1) A person who moves into the State with the intent of becoming a
20 resident shall register all regulated firearms with the Secretary within 90 days after
21 establishing residency.

22 (2) The Secretary shall prepare and, on request of an applicant,
23 provide an application form for registration under this section.

24 (b) An application for registration under this section shall contain:

25 (1) the make, model, manufacturer’s serial number, caliber, type,
26 barrel length, finish, and country of origin of each regulated firearm; and

27 (2) the firearm applicant’s name, address, Social Security number,
28 place and date of birth, height, weight, race, eye and hair color, signature, driver’s or
29 photographic identification Soundex number, and occupation.

30 **(C) AN APPLICATION FOR REGISTRATION UNDER THIS SECTION MAY**
31 **NOT REFER TO AN APPLICANT AS A “VOLUNTARY” REGISTRANT.**

1 **[(c)] (D)** An application for registration filed with the Secretary of State
2 Police shall be accompanied by a nonrefundable total registration fee of \$15,
3 regardless of the number of firearms registered.

4 **[(d)] (E)** Registration data provided under this section is not open to public
5 inspection.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2014.