

HOUSE BILL 306

E4

5lr0981

By: **Delegates Grammer, Adams, Afzali, Anderton, Arentz, Aumann, Beitzel, Buckel, Carozza, Cluster, Folden, Ghrist, Glass, Hornberger, S. Howard, Impallaria, Jacobs, Kipke, Krebs, Long, Mautz, McComas, McKay, Metzgar, Miele, Morgan, Otto, Reilly, Rey, Saab, Shoemaker, Simonaire, Szeliga, Vitale, Vogt, and B. Wilson**

Introduced and read first time: February 4, 2015

Assigned to: Judiciary and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Firearm Decriminalization Act of 2015**

3 FOR the purpose of repealing a certain exception to the prohibition against carrying a
4 deadly weapon on public school property; repealing the prohibition on the possession
5 or use of certain firearm ammunition during and in relation to the commission of a
6 certain crime of violence; altering the authorization for a person to wear, carry, or
7 transport a handgun; repealing the designation of certain firearms as assault
8 weapons; repealing the prohibition on certain persons transporting an assault
9 weapon into the State or possessing, selling, offering to sell, transferring,
10 purchasing, or receiving an assault weapon; prohibiting, with certain exceptions, a
11 person from transporting an assault pistol into the State or possessing, selling,
12 offering to sell, transferring, purchasing, or receiving an assault pistol; altering the
13 maximum capacity of rounds of ammunition allowable to be manufactured, sold,
14 offered for sale, purchased, received, or transferred for a firearm; repealing a certain
15 exception to the prohibition against the manufacturing, selling, offering for sale,
16 purchasing, receiving, or transferring of a detachable magazine with a certain
17 maximum capacity for a firearm; repealing the requirement for a certain hearing
18 officer, after making a certain determination, to order certain individuals to
19 surrender, under certain circumstances, firearms in the individual's possession;
20 repealing the prohibition on an individual, while hunting for any wild bird or
21 mammal, from shooting or discharging a firearm within a certain distance of a public
22 or nonpublic school during certain times; requiring the Police Training Commission
23 to adopt certain regulations and requirements for a certain firearms safety training
24 course; repealing the requirement for the Secretary of State Police to disapprove an
25 application for a State-regulated firearms dealer's license upon a certain
26 determination by the Secretary; repealing the requirement for the Secretary to
27 include certain information in a certain notice upon the denial of a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 State-regulated firearms dealer's license application; repealing the authorization for
2 the Secretary to suspend a dealer's license if the licensee is not in compliance with
3 certain record keeping and reporting requirements; repealing the authorization for
4 the Secretary to lift a certain license suspension under certain circumstances;
5 repealing the requirement that a certain person present or possess a certain
6 handgun qualification license issued by the Secretary or certain credentials or
7 identifications before selling, purchasing, renting, transferring, or receiving a certain
8 regulated firearm; repealing certain requirements and procedures for the issuance
9 and renewal of a certain handgun qualification license; repealing the authorization
10 for the Secretary to revoke a certain handgun qualification license under certain
11 circumstances; repealing the requirement for a certain person to return a certain
12 handgun qualification license under certain circumstances; repealing the
13 requirements and procedures for the issuance of a replacement handgun
14 qualification license; repealing certain fees; altering the information required in a
15 certain statement for a certain firearm application; altering the circumstances under
16 which a person is prohibited from possessing a certain regulated firearm;
17 establishing that a certain person is exempted from the requirement to complete a
18 certain firearms training course under certain circumstances; authorizing a certain
19 licensee or designated law enforcement agency to transfer a certain firearm
20 application to the Secretary by certified mail or facsimile machine; repealing the
21 prohibition from a certain person possessing certain ammunition if the person is
22 prohibited from possessing a certain firearm under certain circumstances; repealing
23 the requirement for certain persons to provide certain data about a certain person to
24 a certain federal index in a certain manner under certain circumstances; repealing
25 the authorization for a certain person who is subject to certain prohibitions from
26 possessing certain firearms to apply for certain relief from certain prohibitions under
27 certain circumstances; repealing the procedures and requirements for a person who
28 is subject to certain prohibitions on the possession of certain firearms to apply for
29 certain relief from certain prohibitions; repealing the authorization for the Secretary
30 of Health and Mental Hygiene to adopt certain regulations; repealing the
31 requirement for a person who moves into the State for the purpose of establishing
32 residency to register certain firearms within a certain period of time with the
33 Secretary of State Police in a certain manner; repealing the requirement that a
34 licensed dealer keep records of all receipts, sales, and other dispositions of firearms
35 affected in connection with the licensed dealer's business; repealing the requirement
36 that the Secretary adopt certain regulations specifying certain information;
37 repealing the requirement that the records that licensed dealers maintain include
38 certain information; repealing certain record keeping requirements to be met when
39 a firearms business is discontinued; repealing the requirement that a licensee
40 respond in a certain way after receipt of a request from the Secretary for certain
41 information; repealing the authorization for the Secretary to implement a system by
42 which a certain person may request certain information; repealing the requirement
43 for the Secretary to inspect the inventory and records of a license dealer under
44 certain circumstances; repealing the requirement for the Secretary to conduct a
45 certain inspection during a certain time; repealing the requirement that certain
46 persons who sell or transfer regulated firearms notify certain purchasers or
47 recipients at the time of purchase or transfer that the purchaser or recipient is

1 required to report a lost or stolen regulated firearm to a certain law enforcement
2 agency; repealing the requirement that the owner of a regulated firearm report the
3 loss or theft of a regulated firearm to a certain law enforcement agency within a
4 certain period of time after the owner discovers the loss or theft; repealing the
5 requirement for a law enforcement agency on receipt of a report of a lost or stolen
6 regulated firearm to enter certain information into a certain database; altering the
7 circumstances under which a person is prohibited from possessing a rifle or shotgun;
8 repealing the requirement that a certain applicant for a certain firearm permit
9 complete a certain firearm training course under certain circumstances; repealing
10 the authorization for the Secretary, under certain circumstances, to issue a certain
11 handgun qualification license without an additional application or fee; repealing the
12 prohibition against the public inspection of the records of certain regulated firearm
13 dealers, owners, or permit holders; repealing the authorization for the individual
14 named in the record and the individual's attorney to view certain records; altering
15 the definitions of certain terms; making certain conforming changes; and generally
16 relating to firearms.

17 BY repealing and reenacting, with amendments,

18 Article – Criminal Law

19 Section 4–102 and 4–203(b); and 4–301 through 4–306 to be under the amended
20 subtitle “Subtitle 3. Assault Pistols and Detachable Magazines”

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2014 Supplement)

23 BY repealing

24 Article – Criminal Law

25 Section 4–110

26 Annotated Code of Maryland

27 (2012 Replacement Volume and 2014 Supplement)

28 BY repealing

29 Article – Health – General

30 Section 10–632(g)

31 Annotated Code of Maryland

32 (2009 Replacement Volume and 2014 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article – Natural Resources

35 Section 10–410(g)

36 Annotated Code of Maryland

37 (2012 Replacement Volume and 2014 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article – Public Safety

40 Section 3–208, 5–101, 5–110(a) and (b), 5–114(a), 5–115, 5–118(b), 5–120, 5–133,
41 5–144, 5–205, 5–206, 5–301, and 5–306

42 Annotated Code of Maryland

1 (2011 Replacement Volume and 2014 Supplement)

2 BY repealing

3 Article – Public Safety

4 Section 5–117.1, 5–133.1, 5–133.2, 5–133.3, 5–143, 5–145, and 5–146

5 Annotated Code of Maryland

6 (2011 Replacement Volume and 2014 Supplement)

7 BY adding to

8 Article – Public Safety

9 Section 5–119

10 Annotated Code of Maryland

11 (2011 Replacement Volume and 2014 Supplement)

12 BY repealing

13 Article – General Provisions

14 Section 4–325

15 Annotated Code of Maryland

16 (2014 Volume)

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

19 **Article – Criminal Law**

20 4–102.

21 (a) This section does not apply to:

22 (1) a law enforcement officer in the regular course of the officer’s duty;

23 (2) [an off-duty law enforcement officer who is a parent, guardian, or
24 visitor of a student attending a school located on the public school property, provided that:

25 (i) the officer is displaying the officer’s badge or credential; and

26 (ii) the weapon carried or possessed by the officer is concealed;

27 (3)] a person hired by a county board of education specifically for the
28 purpose of guarding public school property;

29 [(4)] (3) a person engaged in organized shooting activity for educational
30 purposes; or

31 [(5)] (4) a person who, with a written invitation from the school principal,
32 displays or engages in a historical demonstration using a weapon or a replica of a weapon
33 for educational purposes.

1 (b) A person may not carry or possess a firearm, knife, or deadly weapon of any
2 kind on public school property.

3 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
4 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
5 not exceeding 3 years or a fine not exceeding \$1,000 or both.

6 (2) A person who is convicted of carrying or possessing a handgun in
7 violation of this section shall be sentenced under Subtitle 2 of this title.

8 [4-110.

9 (a) In this section, “restricted firearm ammunition” means a cartridge, a shell, or
10 any other device that:

11 (1) contains explosive or incendiary material designed and intended for use
12 in a firearm; and

13 (2) has a core constructed, excluding traces of other substances, entirely
14 from one or a combination of:

15 (i) tungsten alloys;

16 (ii) steel;

17 (iii) iron;

18 (iv) brass;

19 (v) beryllium copper;

20 (vi) depleted uranium; or

21 (vii) an equivalent material of similar density or hardness.

22 (b) A person may not, during and in relation to the commission of a crime of
23 violence as defined in § 14-101 of this article, possess or use restricted firearm ammunition.

24 (c) A person who violates this section is guilty of a misdemeanor and on conviction
25 is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.]

26 4-203.

27 (b) This section does not prohibit:

1 (1) the wearing, carrying, or transporting of a handgun by a person who is
2 **ON ACTIVE ASSIGNMENT ENGAGED IN LAW ENFORCEMENT, IS** authorized at the time
3 and under the circumstances to wear, carry, or transport the handgun as part of the
4 person's official equipment, and is:

5 (i) a law enforcement official of the United States, the State, or a
6 county or city of the State;

7 (ii) a member of the armed forces of the United States or of the
8 National Guard on duty or traveling to or from duty;

9 (iii) a law enforcement official of another state or subdivision of
10 another state temporarily in this State on official business;

11 (iv) a correctional officer or warden of a correctional facility in the
12 State;

13 (v) a sheriff or full-time assistant or deputy sheriff of the State; or

14 (vi) a temporary or part-time sheriff's deputy;

15 (2) the wearing, carrying, or transporting of a handgun[, in compliance
16 with any limitations imposed under § 5-307 of the Public Safety Article,] by a person to
17 whom a permit to wear, carry, or transport the handgun has been issued under Title 5,
18 Subtitle 3 of the Public Safety Article;

19 (3) the carrying of a handgun on the person or in a vehicle while the person
20 is transporting the handgun to or from the place of legal purchase or sale, or to or from a
21 bona fide repair shop, or between bona fide residences of the person, or between the bona
22 fide residence and place of business of the person, if the business is operated and owned
23 substantially by the person if each handgun is unloaded and carried in an enclosed case or
24 an enclosed holster;

25 (4) the wearing, carrying, or transporting by a person of a handgun used in
26 connection with an organized military activity, a target shoot, formal or informal target
27 practice, sport shooting event, hunting, a Department of Natural Resources-sponsored
28 firearms and hunter safety class, trapping, or a dog obedience training class or show, while
29 the person is engaged in, on the way to, or returning from that activity if each handgun is
30 unloaded and carried in an enclosed case or an enclosed holster;

31 (5) the moving by a bona fide gun collector of part or all of the collector's
32 gun collection from place to place for public or private exhibition if each handgun is
33 unloaded and carried in an enclosed case or an enclosed holster;

34 (6) the wearing, carrying, or transporting of a handgun by a person on real
35 estate that the person owns or leases or where the person resides or within the confines of
36 a business establishment that the person owns or leases;

1 (7) the wearing, carrying, or transporting of a handgun by a supervisory
2 employee:

3 (i) in the course of employment;

4 (ii) within the confines of the business establishment in which the
5 supervisory employee is employed; and

6 (iii) when so authorized by the owner or manager of the business
7 establishment;

8 (8) the carrying or transporting of a signal pistol or other visual distress
9 signal approved by the United States Coast Guard in a vessel on the waterways of the State
10 or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed
11 case, in a vehicle; or

12 (9) the wearing, carrying, or transporting of a handgun by a person who is
13 carrying a court order requiring the surrender of the handgun, if:

14 (i) the handgun is unloaded;

15 (ii) the person has notified the law enforcement unit, barracks, or
16 station that the handgun is being transported in accordance with the court order; and

17 (iii) the person transports the handgun directly to the law
18 enforcement unit, barracks, or station.

19 Subtitle 3. Assault [Weapons] **PISTOLS** and Detachable Magazines.

20 4–301.

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

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

24 (c) “Assault] **IN THIS SUBTITLE, “ASSAULT** pistol” means any of the following
25 firearms or a copy regardless of the producer or manufacturer:

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

27 (2) Bushmaster semiautomatic pistol;

28 (3) Claridge HI–TEC semiautomatic pistol;

29 (4) D Max Industries semiautomatic pistol;

- 1 (5) Encom MK-IV, MP-9, or MP-45 semiautomatic pistol;
- 2 (6) Heckler and Koch semiautomatic SP-89 pistol;
- 3 (7) Holmes MP-83 semiautomatic pistol;
- 4 (8) Ingram MAC 10/11 semiautomatic pistol and variations including the
5 Partisan Avenger and the SWD Cobray;
- 6 (9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire variation;
- 7 (10) P.A.W.S. type semiautomatic pistol;
- 8 (11) Skorpion semiautomatic pistol;
- 9 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
- 10 (13) UZI semiautomatic pistol;
- 11 (14) Weaver Arms semiautomatic Nighthawk pistol; or
- 12 (15) Wilkinson semiautomatic "Linda" pistol.

13 [(d) "Assault weapon" means:

- 14 (1) an assault long gun;
- 15 (2) an assault pistol; or
- 16 (3) a copycat weapon.

17 (e) (1) "Copycat weapon" means:

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

- 20 1. a folding stock;
- 21 2. a grenade launcher or flare launcher; or
- 22 3. a flash suppressor;

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

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

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

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

6 (vi) a shotgun with a revolving cylinder.

7 (2) "Copycat weapon" does not include an assault long gun or an assault
8 pistol.

9 (f) "Detachable magazine" means an ammunition feeding device that can be
10 removed readily from a firearm without requiring disassembly of the firearm action or
11 without the use of a tool, including a bullet or cartridge.

12 (g) "Flash suppressor" means a device that functions, or is intended to function,
13 to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.

14 (h) "Licensed firearms dealer" means a person who holds a dealer's license under
15 Title 5, Subtitle 1 of the Public Safety Article.]

16 4-302.

17 This subtitle does not apply to:

18 (1) if acting within the scope of official business, personnel of the United
19 States government or a unit of that government, members of the armed forces of the United
20 States or of the National Guard, **OR** law enforcement personnel of the State or a local unit
21 in the State[, or a railroad police officer authorized under Title 3 of the Public Safety Article
22 or 49 U.S.C. § 28101];

23 (2) a firearm modified to render it permanently inoperative;

24 (3) [possession, importation, manufacture, receipt for manufacture,
25 shipment for manufacture, storage,] purchases, sales, and transport to or by a licensed
26 firearms dealer or manufacturer who is:

27 (i) providing or servicing an assault [weapon] **PISTOL** or detachable
28 magazine for a law enforcement unit or for personnel exempted under item (1) of this
29 section; **OR**

30 (ii) acting to sell or transfer an assault [weapon] **PISTOL** or
31 detachable magazine to a licensed firearm dealer in another state [or to an individual
32 purchaser in another state through a licensed firearms dealer; or

- 1 (iii) acting to return to a customer in another state an assault weapon
2 transferred to the licensed firearms dealer or manufacturer under the terms of a warranty
3 or for repair];
- 4 (4) organizations that are required or authorized by federal law governing
5 their specific business or activity to maintain assault [weapons] **PISTOLS** and applicable
6 ammunition and detachable magazines;
- 7 (5) the receipt of an assault [weapon] **PISTOL** or detachable magazine by
8 inheritance[, and possession of the inherited assault weapon or detachable magazine,] if
9 the decedent lawfully possessed the assault [weapon or detachable magazine and the
10 person inheriting the assault weapon or detachable magazine is not otherwise disqualified
11 from possessing a regulated firearm] **PISTOL**; **OR**
- 12 (6) the receipt of an assault [weapon] **PISTOL** or detachable magazine by
13 a personal representative of an estate for purposes of exercising the powers and duties of a
14 personal representative of an estate[;
- 15 (7) possession by a person who is retired in good standing from service with
16 a law enforcement agency of the State or a local unit in the State and is not otherwise
17 prohibited from receiving an assault weapon or detachable magazine if:
- 18 (i) the assault weapon or detachable magazine is sold or transferred
19 to the person by the law enforcement agency on retirement; or
- 20 (ii) the assault weapon or detachable magazine was purchased or
21 obtained by the person for official use with the law enforcement agency before retirement;
- 22 (8) possession or transport by an employee of an armored car company if
23 the individual is acting within the scope of employment and has a permit issued under Title
24 5, Subtitle 3 of the Public Safety Article; or
- 25 (9) possession, receipt, and testing by, or shipping to or from:
- 26 (i) an ISO 17025 accredited, National Institute of
27 Justice–approved ballistics testing laboratory; or
- 28 (ii) a facility or entity that manufactures or provides research and
29 development testing, analysis, or engineering for personal protective equipment or vehicle
30 protection systems].
- 31 4–303.
- 32 (a) Except as provided in subsection (b) of this section, a person may not:

1 (1) transport an assault [weapon] PISTOL into the State; or

2 (2) possess, sell, offer to sell, transfer, purchase, or receive an assault
3 [weapon] PISTOL.

4 (b) [(1)] A person who lawfully possessed an assault pistol before June 1, 1994,
5 and who registered the assault pistol with the Secretary of State Police before August 1,
6 1994, may:

7 [(i)] (1) continue to possess [and transport] the assault pistol; or

8 [(ii)] (2) while carrying a court order requiring the surrender of the
9 assault pistol, transport the assault pistol directly to the law enforcement unit, barracks,
10 or station if the person has notified the law enforcement unit, barracks, or station that the
11 person is transporting the assault pistol in accordance with a court order and the assault
12 pistol is unloaded.

13 [(2)] A licensed firearms dealer may continue to possess, sell, offer for sale,
14 or transfer an assault long gun or a copycat weapon that the licensed firearms dealer
15 lawfully possessed on or before October 1, 2013.

16 (3) A person who lawfully possessed, has a purchase order for, or completed
17 an application to purchase an assault long gun or a copycat weapon before October 1, 2013,
18 may:

19 (i) possess and transport the assault long gun or copycat weapon; or

20 (ii) while carrying a court order requiring the surrender of the
21 assault long gun or copycat weapon, transport the assault long gun or copycat weapon
22 directly to the law enforcement unit, barracks, or station if the person has notified the law
23 enforcement unit, barracks, or station that the person is transporting the assault long gun
24 or copycat weapon in accordance with a court order and the assault long gun or copycat
25 weapon is unloaded.

26 (4) A person may transport an assault weapon to or from:

27 (i) an ISO 17025 accredited, National Institute of
28 Justice–approved ballistics testing laboratory; or

29 (ii) a facility or entity that manufactures or provides research and
30 development testing, analysis, or engineering for personal protective equipment or vehicle
31 protection systems.]

32 4–304.

1 A law enforcement unit may seize as contraband and dispose of according to
2 regulation an assault [weapon] PISTOL transported, sold, transferred, purchased, received,
3 or possessed in violation of this subtitle.

4 4–305.

5 (a) This section does not apply to[:

6 (1) a .22 caliber rifle with a tubular magazine[; or

7 (2) a law enforcement officer or a person who retired in good standing from
8 service with a law enforcement agency of the United States, the State, or any law
9 enforcement agency in the State].

10 (b) A person may not manufacture, sell, offer for sale, purchase, receive, or
11 transfer a detachable magazine that has a capacity of more than [10] 20 rounds of
12 ammunition for a firearm.

13 4–306.

14 (a) [Except as otherwise provided in this subtitle, a] 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] PISTOL, or a magazine that has
18 a capacity of more than [10] 20 rounds of ammunition, in the commission of a felony or a
19 crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a
20 misdemeanor and on conviction, in addition to any other sentence imposed for the felony or
21 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 5
25 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 Article – Health – General

6 10–632.

7 [(g) If a hearing officer enters an order for involuntary commitment under Part III
8 of this subtitle and the hearing officer determines that the individual cannot safely possess
9 a firearm based on credible evidence of dangerousness to others, the hearing officer shall
10 order the individual who is subject to the involuntary commitment to:

11 (1) Surrender to law enforcement authorities any firearms in the
12 individual’s possession; and

13 (2) Refrain from possessing a firearm unless the individual is granted relief
14 from firearms disqualification in accordance with § 5–133.3 of the Public Safety Article.]

15 Article – Natural Resources

16 10–410.

17 (g) (1) Except as provided in [paragraphs (2) and (3)] **PARAGRAPH (2)** of this
18 subsection, a person, other than the owner or occupant, while hunting for any wild bird or
19 mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards,
20 known as the “safety zone”, of a dwelling house, residence, church, or other building or
21 camp occupied by human beings, or shoot at any wild bird or mammal while it is within
22 this area, without the specific advance permission of the owner or occupant.

23 (2) [A person, while hunting for any wild bird or mammal, may not shoot
24 or discharge any firearm within 300 yards of a public or nonpublic school during school
25 hours or at a time when a school–approved activity is taking place.

26 (3) (i) For archery hunters in Carroll County or Frederick County, the
27 safety zone described in paragraph (1) of this subsection extends for 50 yards from a
28 dwelling house, residence, church, or any other building or camp occupied by human beings.

29 (ii) For archery hunters in Harford County or Montgomery County,
30 the safety zone described in paragraph (1) of this subsection extends for 100 yards from a
31 dwelling house, residence, church, or any other building or camp occupied by human beings.

1 (ii) that was expunged under Title 10, Subtitle 1 of the Criminal
2 Procedure Article.]

3 (c) "Crime of violence" means:

4 (1) abduction;

5 (2) arson in the first degree;

6 (3) assault in the first or second degree;

7 (4) burglary in the first, second, or third degree;

8 (5) carjacking and armed carjacking;

9 (6) escape in the first degree;

10 (7) kidnapping;

11 (8) voluntary manslaughter;

12 (9) maiming as previously proscribed under former Article 27, § 386 of the
13 Code;

14 (10) mayhem as previously proscribed under former Article 27, § 384 of the
15 Code;

16 (11) murder in the first or second degree;

17 (12) rape in the first or second degree;

18 (13) robbery;

19 (14) robbery with a dangerous weapon;

20 (15) sexual offense in the first, second, or third degree;

21 (16) an attempt to commit any of the crimes listed in items (1) through (15)
22 of this subsection; or

23 (17) assault with intent to commit any of the crimes listed in items (1)
24 through (15) of this subsection or a crime punishable by imprisonment for more than 1 year.

25 (d) "Dealer" means a person who is engaged in the business of:

26 (1) selling, renting, or transferring firearms at wholesale or retail; or

1 (2) repairing firearms.

2 (e) “Dealer’s license” means a State regulated firearms dealer’s license.

3 (f) “Designated law enforcement agency” means a law enforcement agency that
4 the Secretary designates to process applications to purchase regulated firearms for
5 secondary sales.

6 (g) “Disqualifying crime” means:

7 (1) a crime of violence;

8 (2) a violation classified as a felony in the State; or

9 (3) a violation classified as a misdemeanor in the State that carries a
10 statutory penalty of more than 2 years.

11 (h) (1) “Firearm” means:

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

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

15 (2) “Firearm” includes a starter gun.

16 (i) “Firearm applicant” means a person who makes a firearm application.

17 (j) “Firearm application” means an application to purchase, rent, or transfer a
18 regulated firearm.

19 (k) “Fugitive from justice” means a person who has fled to avoid prosecution or
20 giving testimony in a criminal proceeding.

21 (l) “Habitual drunkard” means a person who has been found guilty of any three
22 crimes under § 21–902(a), (b), or (c) of the Transportation Article, one of which occurred in
23 the past year.

24 (m) “Habitual user” means a person who has been found guilty of two controlled
25 dangerous substance crimes, one of which occurred in the past 5 years.

26 (n) (1) “Handgun” means a firearm with a barrel less than 16 inches in length.

27 (2) “Handgun” includes signal, starter, and blank pistols.

28 (o) [“Handgun qualification license” means a license issued by the Secretary that
29 authorizes a person to purchase, rent, or receive a handgun.

1 (p) “Licensee” means a person who holds a dealer’s license.

2 [(q) “Qualified handgun instructor” means a certified firearms instructor who:

3 (1) is recognized by the Maryland Police and Correctional Training
4 commissions;

5 (2) has a qualified handgun instructor license issued by the Secretary; or

6 (3) has a certification issued by a nationally recognized firearms
7 organization.

8 (r) (P) “Regulated firearm” means:

9 (1) a handgun; or

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

12 (i) American Arms Spectre da Semiautomatic carbine;

13 (ii) AK-47 in all forms;

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

15 (iv) AR 100 type semi-auto;

16 (v) AR 180 type semi-auto;

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

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

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

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

21 (x) Beretta AR70 type semi-auto;

22 (xi) Bushmaster semi-auto rifle;

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

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

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

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

1 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3,
2 M-21 sniper rifle, M1A, excluding the M1 Garand;

3 (xxxviii) Street sweeper assault type shotgun;

4 (xxxix) Striker 12 assault shotgun in all formats;

5 (xl) Unique F11 semi-auto type;

6 (xli) Daewoo USAS 12 semi-auto shotgun;

7 (xlii) UZI 9mm carbine or rifle;

8 (xliii) Valmet M-76 and M-78 semi-auto;

9 (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or

10 (xlv) Wilkinson Arms 9mm semi-auto "Terry".

11 [(s)] (Q) "Rent" means the temporary transfer for consideration of a regulated
12 firearm that is taken from the property of the owner of the regulated firearm.

13 [(t)] (R) "Secondary sale" means a sale of a regulated firearm in which neither
14 party to the sale:

15 (1) is a licensee;

16 (2) is licensed by the federal government as a firearms dealer;

17 (3) devotes time, attention, and labor to dealing in firearms as a regular
18 course of trade or business with the principal objective of earning a profit through the
19 repeated purchase and resale of firearms; or

20 (4) repairs firearms as a regular course of trade or business.

21 [(u)] (S) "Secretary" means the Secretary of State Police or the Secretary's
22 designee.

23 [(v)] (T) "Straw purchase" means a sale of a regulated firearm in which a person
24 uses another, known as the straw purchaser, to:

25 (1) complete the application to purchase a regulated firearm;

26 (2) take initial possession of the regulated firearm; and

27 (3) subsequently transfer the regulated firearm to the person.

1 5-110.

2 (a) The Secretary shall disapprove an application for a dealer's license if:

3 (1) the Secretary determines that the applicant supplied false information
4 or made a false statement;

5 (2) the Secretary determines that the application is not properly
6 completed; **OR**

7 (3) the Secretary receives a written notification from the applicant's
8 licensed attending physician that the applicant suffers from a mental disorder and is a
9 danger to the applicant or to another[; or

10 (4) the Secretary determines that the applicant intends that a person who
11 is not eligible to be issued a dealer's license or whose dealer's license has been revoked or
12 suspended:

13 (i) will participate in the management or operation of the business
14 for which the license is sought; or

15 (ii) holds a legal or equitable interest in the business for which the
16 license is sought].

17 (b) If the Secretary disapproves an application for a dealer's license, the Secretary
18 shall notify the applicant in writing of[:

19 (1)] the disapproval [of the application; and

20 (2) the reason the application was denied].

21 5-114.

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

23 [(i)] (1) is under indictment for a crime of violence; or

24 [(ii)] (2) is arrested for a violation of this subtitle that prohibits the
25 purchase or possession of a regulated firearm.

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

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

1 5–115.

2 (a) (1) A person whose dealer’s license is suspended or revoked [or who is fined
3 for a violation of this subtitle] and who is aggrieved by the action of the Secretary may
4 request a hearing by writing to the Secretary within 30 days after the Secretary forwards
5 notice to the applicant under § 5–114(c) of this subtitle.

6 (2) The Secretary shall grant the hearing within 15 days after receiving
7 the request.

8 (b) The hearing shall be held in accordance with Title 10, Subtitle 2 of the State
9 Government Article.

10 [5–117.1.

11 (a) This section does not apply to:

12 (1) a licensed firearms manufacturer;

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

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

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

21 (b) A dealer or any other person may not sell, rent, or transfer a handgun to a
22 purchaser, lessee, or transferee unless the purchaser, lessee, or transferee presents to the
23 dealer or other person a valid handgun qualification license issued to the purchaser, lessee,
24 or transferee by the Secretary under this section.

25 (c) A person may purchase, rent, or receive a handgun only if the person:

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

28 (ii) possesses valid credentials from a law enforcement agency or
29 retirement credentials from a law enforcement agency;

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

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

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

6 (d) Subject to subsections (f) and (g) of this section, the Secretary shall issue a
7 handgun qualification license to a person who the Secretary finds:

8 (1) is at least 21 years old;

9 (2) is a resident of the State;

10 (3) except as provided in subsection (e) of this section, has demonstrated
11 satisfactory completion, within 3 years prior to the submission of the application, of a
12 firearms safety training course approved by the Secretary that includes:

13 (i) a minimum of 4 hours of instruction by a qualified handgun
14 instructor;

15 (ii) classroom instruction on:

16 1. State firearm law;

17 2. home firearm safety; and

18 3. handgun mechanisms and operation; and

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

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

23 (e) An applicant for a handgun qualification license is not required to complete a
24 firearms safety training course under subsection (d) of this section if the applicant:

25 (1) has completed a certified firearms training course approved by the
26 Secretary;

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

30 (3) is a qualified handgun instructor;

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

3 (5) is an employee of an armored car company and has a permit issued
4 under Title 5, Subtitle 3 of the Public Safety Article; or

5 (6) lawfully owns a regulated firearm.

6 (f) (1) In this subsection, “Central Repository” means the Criminal Justice
7 Information System Central Repository of the Department of Public Safety and
8 Correctional Services.

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

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

14 (i) a complete set of the applicant’s legible fingerprints taken in a
15 format approved by the Director of the Central Repository and the Director of the Federal
16 Bureau of Investigation;

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

19 (iii) the mandatory processing fee required by the Federal Bureau of
20 Investigation for a national criminal history records check.

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

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

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

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

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

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

- 1 (g) An applicant for a handgun qualification license shall submit to the Secretary:
- 2 (1) an application in the manner and format designated by the Secretary;
- 3 (2) a nonrefundable application fee to cover the costs to administer the
4 program of up to \$50;
- 5 (3) (i) proof of satisfactory completion of:
- 6 1. a firearms safety training course approved by the
7 Secretary; or
- 8 2. a course of instruction in competency and safety in the
9 handling of firearms prescribed by the Department of Natural Resources under § 10–301.1
10 of the Natural Resources Article; or
- 11 (ii) a valid firearms instructor certification;
- 12 (4) any other identifying information or documentation required by the
13 Secretary; and
- 14 (5) a statement made by the applicant under the penalty of perjury that
15 the applicant is not prohibited under federal or State law from possessing a handgun.
- 16 (h) (1) Within 30 days after receiving a properly completed application, the
17 Secretary shall issue to the applicant:
- 18 (i) a handgun qualification license if the applicant is approved; or
- 19 (ii) a written denial of the application that contains:
- 20 1. the reason the application was denied; and
- 21 2. a statement of the applicant’s appeal rights under
22 subsection (l) of this section.
- 23 (2) (i) An individual whose fingerprints have been submitted to the
24 Central Repository, and whose application has been denied, may request that the record of
25 the fingerprints be expunged by obliteration.
- 26 (ii) Proceedings to expunge a record under this paragraph shall be
27 conducted in accordance with § 10–105 of the Criminal Procedure Article.
- 28 (iii) On receipt of an order to expunge a fingerprint record, the
29 Central Repository shall expunge by obliteration the fingerprints submitted as part of the
30 application process.

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

3 (i) A handgun qualification license issued under this section expires 10 years
4 from the date of issuance.

5 (j) (1) The handgun qualification license may be renewed for successive
6 periods of 10 years each if, at the time of an application for renewal, the applicant:

7 (i) possesses the qualifications for the issuance of the handgun
8 qualification license; and

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

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

13 (i) complete the firearms safety training course required in
14 subsection (d)(3) of this section; or

15 (ii) submit to a State and national criminal history records check as
16 required in subsection (f) of this section.

17 (k) (1) The Secretary may revoke a handgun qualification license issued or
18 renewed under this section on a finding that the licensee no longer satisfies the
19 qualifications set forth in subsection (d) of this section.

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

23 (l) (1) A person whose original or renewal application for a handgun
24 qualification license is denied or whose handgun qualification license is revoked, may
25 submit a written request to the Secretary for a hearing within 30 days after the date the
26 written notice of the denial or revocation was sent to the aggrieved person.

27 (2) A hearing under this section shall be granted by the Secretary within
28 15 days after the request.

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

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

1 (m) (1) If an original or renewal handgun qualification license is lost or stolen,
2 a person may submit a written request to the Secretary for a replacement license.

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

6 (n) The Secretary may adopt regulations to carry out the provisions of this
7 section.]

8 5–118.

9 (b) A firearm application shall contain:

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

14 (2) the date and time that the firearm applicant delivered the completed
15 firearm application to the prospective seller or transferor; **AND**

16 (3) a statement by the firearm applicant under the penalty of perjury that
17 the firearm applicant:

18 (i) is at least 21 years old;

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

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

22 (iv) is not a fugitive from justice;

23 (v) is not a habitual drunkard;

24 (vi) is not addicted to a controlled dangerous substance or is not a
25 habitual user;

26 (vii) [does not suffer from a mental disorder as defined in §
27 10–101(f)(2) of the Health – General Article and have a history of violent behavior against
28 the firearm applicant or another;

29 (viii)] has never [been found incompetent to stand trial under §
30 3–106 of the Criminal Procedure Article] **SPENT MORE THAN 30 CONSECUTIVE DAYS IN**

1 A MEDICAL INSTITUTION FOR TREATMENT OF A MENTAL DISORDER, UNLESS A
2 PHYSICIAN'S CERTIFICATE ISSUED WITHIN 30 DAYS BEFORE THE DATE OF
3 APPLICATION IS ATTACHED TO THE APPLICATION, CERTIFYING THAT THE FIREARM
4 APPLICANT IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE
5 DANGER TO THE FIREARM APPLICANT OR TO ANOTHER;

6 [(ix)] (VIII) [has never been found not criminally responsible under §
7 3-110 of the Criminal Procedure] IS NOT A RESPONDENT AGAINST WHOM A CURRENT
8 NON EX PARTE CIVIL PROTECTION ORDER HAS BEEN ENTERED UNDER § 4-506 OF
9 THE FAMILY LAW Article;

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

12 (xi) has never been involuntarily committed to a facility as defined in
13 § 10-101 of the Health – General Article;

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

17 (xiii) is not a respondent against whom:

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

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

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

26 (X) SUBJECT TO § 5-119 OF THIS SUBTITLE, HAS COMPLETED A
27 CERTIFIED FIREARMS SAFETY TRAINING COURSE THAT THE POLICE TRAINING
28 COMMISSION CONDUCTS WITHOUT CHARGE OR THAT MEETS THE STANDARDS THAT
29 THE POLICE TRAINING COMMISSION ESTABLISHES UNDER § 3-207 OF THIS
30 ARTICLE.

31 [(4) a copy of the applicant's handgun qualification license.]

32 5-119.

1 **A FIREARM APPLICANT IS NOT REQUIRED TO COMPLETE A CERTIFIED**
2 **FIREARMS SAFETY TRAINING COURSE REQUIRED UNDER §§ 5-118 AND 5-134 OF**
3 **THIS SUBTITLE IF THE FIREARM APPLICANT:**

4 **(1) HAS ALREADY COMPLETED A CERTIFIED FIREARMS SAFETY**
5 **TRAINING COURSE REQUIRED UNDER §§ 5-118 AND 5-134 OF THIS SUBTITLE;**

6 **(2) IS A LAW ENFORCEMENT OFFICER OF THE STATE OR ANY LOCAL**
7 **LAW ENFORCEMENT AGENCY IN THE STATE;**

8 **(3) IS A MEMBER, RETIRED MEMBER, OR HONORABLY DISCHARGED**
9 **MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL**
10 **GUARD;**

11 **(4) IS A MEMBER OF AN ORGANIZATION THAT IS REQUIRED BY**
12 **FEDERAL LAW GOVERNING ITS SPECIFIC BUSINESS OR ACTIVITY TO MAINTAIN**
13 **HANDGUNS AND APPLICABLE AMMUNITION; OR**

14 **(5) HOLDS A PERMIT TO CARRY A HANDGUN UNDER SUBTITLE 3 OF**
15 **THIS TITLE.**

16 5-120.

17 (a) (1) On receipt of a firearm application, a licensee or designated law
18 enforcement agency shall promptly forward one copy of it to the Secretary by:

19 **(I) CERTIFIED MAIL;**

20 **(II) FACSIMILE MACHINE; OR**

21 **(III) electronic means approved by the Secretary.**

22 (2) The copy of the firearm application forwarded to the Secretary shall
23 contain the name, address, and signature of the prospective seller, lessor, or transferor.

24 (b) (1) The prospective seller, lessor, or transferor shall keep one copy of the
25 firearm application for not less than 3 years.

26 (2) The firearm applicant is entitled to a copy of the firearm application.

27 (c) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
28 **SUBSECTION, THE licensee or designated law enforcement agency shall forward the \$10**
29 **application fee with the firearm application to the Secretary.**

1 **(2) A LICENSEE OR DESIGNATED LAW ENFORCEMENT AGENCY THAT**
2 **USES A FACSIMILE MACHINE TO FORWARD THE FIREARM APPLICATION TO THE**
3 **SECRETARY SHALL:**

4 **(I) BE BILLED \$10 FOR EACH FIREARM APPLICATION**
5 **FORWARDED TO THE SECRETARY DURING THE MONTH; AND**

6 **(II) PAY THE TOTAL APPLICATION FEE BY THE 15TH DAY OF THE**
7 **FOLLOWING MONTH.**

8 5–133.

9 (a) This section supersedes any restriction that a local jurisdiction in the State
10 imposes on the possession by a private party of a regulated firearm, and the State preempts
11 the right of any local jurisdiction to regulate the possession of a regulated firearm.

12 (b) [Subject to § 5–133.3 of this subtitle, a] **A person may not possess a regulated**
13 **firearm if the person:**

14 (1) has been convicted of a disqualifying crime;

15 (2) has been convicted of a violation classified as a common law crime and
16 received a term of imprisonment of more than 2 years;

17 (3) is a fugitive from justice;

18 (4) is a habitual drunkard;

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

20 (6) suffers from a mental disorder as defined in § 10–101(f)(2) of the Health
21 – General Article and has a history of violent behavior against the person or another,
22 **UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS**
23 **CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE**
24 **PERSON OR TO ANOTHER;**

25 (7) [has been found incompetent to stand trial under § 3–106 of the
26 Criminal Procedure Article;

27 (8) has been found not criminally responsible under § 3–110 of the
28 Criminal Procedure Article;

29 (9) has been [voluntarily admitted] **CONFINED** for more than 30
30 consecutive days to a facility as defined in § 10–101 of the Health – General Article,
31 **UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS**

1 **CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE**
2 **PERSON OR TO ANOTHER;**

3 [(10) has been involuntarily committed to a facility as defined in §
4 10–101 of the Health – General Article;

5 (11) is under the protection of a guardian appointed by a court under §
6 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the
7 appointment of a guardian is solely a result of a physical disability;

8 (12)] **(8)** except as provided in subsection (e) of this section, is a
9 respondent against whom[:

10 (i)] a current non ex parte civil protective order has been entered
11 under § 4–506 of the Family Law Article; or

12 [(ii) an order for protection, as defined in § 4–508.1 of the Family Law
13 Article, has been issued by a court of another state or a Native American tribe and is in
14 effect; or

15 (13)] **(9)** if under the age of 30 years at the time of possession, has been
16 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if
17 committed by an adult.

18 (c) (1) A person may not possess a regulated firearm if the person was
19 previously convicted of:

20 (i) a crime of violence;

21 (ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, §
22 5–613, or § 5–614 of the Criminal Law Article; or

23 (iii) an offense under the laws of another state or the United States
24 that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed
25 in this State.

26 (2) (i) Subject to paragraph (3) of this subsection, a person who violates
27 this subsection is guilty of a felony and on conviction is subject to imprisonment for not less
28 than 5 years and not exceeding 15 years.

29 (ii) The court may not suspend any part of the mandatory minimum
30 sentence of 5 years.

31 (iii) Except as otherwise provided in § 4–305 of the Correctional
32 Services Article, the person is not eligible for parole during the mandatory minimum
33 sentence.

1 (3) At the time of the commission of the offense, if a period of more than 5
2 years has elapsed since the person completed serving the sentence for the most recent
3 conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment,
4 mandatory supervision, probation, and parole:

5 (i) the imposition of the mandatory minimum sentence is within the
6 discretion of the court; and

7 (ii) the mandatory minimum sentence may not be imposed unless
8 the State's Attorney notifies the person in writing at least 30 days before trial of the State's
9 intention to seek the mandatory minimum sentence.

10 (4) Each violation of this subsection is a separate crime.

11 (d) (1) Except as provided in paragraph (2) of this subsection, a person who is
12 under the age of 21 years may not possess a regulated firearm.

13 (2) Unless a person is otherwise prohibited from possessing a regulated
14 firearm, this subsection does not apply to:

15 (i) the temporary transfer or possession of a regulated firearm if the
16 person is:

17 1. under the supervision of another who is at least 21 years
18 old and who is not prohibited by State or federal law from possessing a firearm; and

19 2. acting with the permission of the parent or legal guardian
20 of the transferee or person in possession;

21 (ii) the transfer by inheritance of title, and not of possession, of a
22 regulated firearm;

23 (iii) a member of the armed forces of the United States or the
24 National Guard while performing official duties;

25 (iv) the temporary transfer or possession of a regulated firearm if the
26 person is:

27 1. participating in marksmanship training of a recognized
28 organization; and

29 2. under the supervision of a qualified instructor;

30 (v) a person who is required to possess a regulated firearm for
31 employment and who holds a permit under Subtitle 3 of this title; or

1 (vi) the possession of a firearm for self-defense or the defense of
2 others against a trespasser into the residence of the person in possession or into a residence
3 in which the person in possession is an invited guest.

4 (e) This section does not apply to a respondent transporting a regulated firearm
5 if the respondent is carrying a civil protective order requiring the surrender of the regulated
6 firearm and:

7 (1) the regulated firearm is unloaded;

8 (2) the respondent has notified the law enforcement unit, barracks, or
9 station that the regulated firearm is being transported in accordance with the civil
10 protective order; and

11 (3) the respondent transports the regulated firearm directly to the law
12 enforcement unit, barracks, or station.

13 **[5-133.1.**

14 (a) In this section, “ammunition” means a cartridge, shell, or any other device
15 containing explosive or incendiary material designed and intended for use in a firearm.

16 (b) A person may not possess ammunition if the person is prohibited from
17 possessing a regulated firearm under § 5-133 (b) or (c) of this subtitle.

18 (c) A person who violates this section is guilty of a misdemeanor and on conviction
19 is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.]

20 **[5-133.2.**

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Facility” has the meaning stated in § 10-101 of the Health – General
23 Article.

24 (3) “NICS Index” means the Federal Bureau of Investigation’s National
25 Instant Criminal Background Check System.

26 (b) (1) A court shall promptly report information required in paragraph (2) of
27 this subsection through a secure data portal approved by the Department of Public Safety
28 and Correctional Services if a court:

29 (i) determines that a person is not criminally responsible under §
30 3-110 of the Criminal Procedure Article;

31 (ii) finds that a person is incompetent to stand trial under §
32 3-106 of the Criminal Procedure Article; or

1 (iii) finds under § 13–201(c) or § 13–705 of the Estates and Trust
2 Article that a person should be under the protection of a guardian, except for cases in which
3 the appointment of a guardian is solely a result of a physical disability.

4 (2) On a finding or determination under paragraph (1) of this subsection,
5 the following information shall be reported to the NICS Index:

6 (i) the name and identifying information of the person; and

7 (ii) the date of the determination or finding.

8 (c) (1) A facility shall report information required in paragraph (2) of this
9 subsection regarding a person admitted to the facility under § 10–609 of the Health –
10 General Article or committed to the facility under Title 10, Subtitle 6, Part III of the Health
11 – General Article to the NICS Index through a secure data portal approved by the
12 Department of Public Safety and Correctional Services, if:

13 (i) the person has been admitted to a facility for 30 consecutive days
14 or more; or

15 (ii) the person has been involuntarily committed to a facility.

16 (2) On admission to a facility the following information shall be reported to
17 the NICS Index:

18 (i) the name and identifying information of the person admitted or
19 committed;

20 (ii) the date the person was admitted or committed to the facility;
21 and

22 (iii) the name of the facility to which the person was admitted or
23 committed.]

24 [5–133.3.

25 (a) In this section, “Health Department” means the Department of Health and
26 Mental Hygiene.

27 (b) A person subject to a regulated firearms disqualification under §
28 5–133(b)(6), (7), (8), (9), (10), or (11) of this subtitle, a rifle or shotgun disqualification under
29 § 5–205(b)(6), (7), (8), (9), (10), or (11) of this title, or prohibited from the shipment,
30 transportation, possession, or receipt of a firearm by 18 U.S.C. §§ 922(d)(4) or (g)(4) as a
31 result of an adjudication or commitment that occurred in the State may be authorized to
32 possess a firearm if:

1 (1) the person is not subject to another firearms restriction under State or
2 federal law; and

3 (2) the Health Department, in accordance with this section, determines
4 that the person may possess a firearm.

5 (c) A person who seeks relief from a firearms disqualification shall file an
6 application with the Health Department in the form and manner set by the Health
7 Department.

8 (d) An application for relief from a firearms disqualification shall include:

9 (1) a complete and accurate statement explaining the reason why the
10 applicant is prohibited from possessing a regulated firearm under § 5–133(b)(6), (7), (8), (9),
11 (10), or (11) of this subtitle or a rifle or shotgun under § 5–205(b)(6), (7), (8), (9), (10), or (11)
12 of this title, or is prohibited from the shipment, transportation, possession, or receipt of a
13 firearm by 18 U.S.C. §§ 922(d)(4) or (g)(4) as a result of an adjudication or commitment that
14 occurred in the State;

15 (2) a statement why the applicant should be relieved from the prohibition
16 described in item (1) of this subsection;

17 (3) if the applicant is subject to a prohibition described in item (1) of this
18 subsection, a certificate issued within 30 days of the submission of the application on a form
19 approved by the Health Department and signed by an individual licensed in the State as a
20 physician who is board certified in psychiatry or as a psychologist stating:

21 (i) the length of time that the applicant has not had symptoms that
22 cause the applicant to be a danger to the applicant or others, or, if the disqualification
23 relates to an intellectual disability, the length of time that the applicant has not engaged
24 in behaviors that cause the applicant to be a danger to the applicant or others;

25 (ii) the length of time that the applicant has been compliant with the
26 treatment plan for the applicant's mental illness, or, if the disqualification relates to an
27 intellectual disability, the length of time that the applicant has been compliant with any
28 behavior plan or behavior management plan;

29 (iii) an opinion as to whether the applicant, because of mental illness,
30 would be a danger to the applicant if allowed to possess a firearm and a statement of
31 reasons for the opinion; and

32 (iv) an opinion as to whether the applicant, because of mental illness,
33 would be a danger to another person or poses a risk to public safety if allowed to possess a
34 firearm;

35 (4) if the applicant is prohibited from possessing a firearm under §
36 5–133(b)(11) of this subtitle or § 5–205(b)(11) of this title:

1 (i) a copy of all pleadings, affidavits, and certificates submitted into
2 evidence at the guardianship proceeding; and

3 (ii) all orders issued by the court relating to the guardianship,
4 including, if applicable, an order indicating that the guardianship is no longer in effect;

5 (5) a signed authorization, on a form approved by the Health Department,
6 allowing the Health Department to access any relevant health care, mental health,
7 disability, guardianship, and criminal justice records, including court ordered or required
8 mental health records, of the applicant for use in determining whether the applicant should
9 be relieved from a firearms disqualification;

10 (6) three statements signed and dated within 30 days of submission to the
11 Health Department on a form designated by the Health Department attesting to the
12 applicant's reputation and character relevant to firearm ownership or possession including:

13 (i) at least two statements provided by an individual who is not
14 related to the applicant; and

15 (ii) contact information for each individual providing a statement;
16 and

17 (7) any other information required by the Health Department.

18 (e) The Health Department may not approve an application under this section if
19 a determination is made that:

20 (1) the applicant supplied incomplete or false information or made a false
21 statement;

22 (2) the application is not properly completed; or

23 (3) on review of the application and supporting documentation and any
24 other information relating to the application requested by the Health Department,
25 including any criminal history records and mental health records of the applicant, the
26 applicant has not shown by a preponderance of the evidence that the applicant will be
27 unlikely to act in a manner dangerous to the applicant or to public safety and that granting
28 a license to possess a regulated firearm or authorizing the possession of a rifle or shotgun
29 would not be contrary to the public interest.

30 (f) (1) If the Health Department determines that the application shall be
31 approved, the Health Department shall provide the applicant with a certificate affirming
32 the applicant's mental competence to possess a firearm.

33 (2) A certificate provided under paragraph (1) of this subsection or a
34 written statement that the individual is not mentally competent to possess a firearm shall

1 be provided to the applicant within 60 days from the Health Department's receipt of a
2 completed application, which includes any records necessary to review an application.

3 (3) A certificate issued under paragraph (1) of this subsection shall be
4 presented to the Department of State Police as evidence of the applicant's eligibility to
5 possess a firearm.

6 (g) (1) An applicant who is aggrieved by the action of the Health Department
7 under subsection (e) of this section may request a hearing in writing to the Secretary of
8 Health and Mental Hygiene within 30 days after the Health Department mails notice of
9 the decision to the applicant.

10 (2) (i) The hearing requested under paragraph (1) of this subsection
11 shall be held in accordance with Title 10, Subtitle 2 of the State Government Article within
12 60 days after the Health Department receives the request.

13 (ii) At the hearing, the information described in subsections (d) and
14 (e) of this section shall be considered and used to determine whether the applicant, if
15 allowed to possess a firearm, would not be likely to act in a manner dangerous to the public
16 safety and whether granting the relief would not be contrary to the public interest.

17 (3) (i) Judicial review of the determination on an application under this
18 section for relief from a firearms prohibition may be sought in accordance with §§ 10-222
19 and 10-223 of the State Government Article.

20 (ii) Notwithstanding the provisions of § 10-222 of the State
21 Government Article, the circuit court may give deference to the final decision of the Health
22 Department and may in its discretion receive additional evidence that it determines to be
23 necessary to conduct an adequate review.

24 (h) The Board of Review of the Health Department does not have jurisdiction to
25 review a final decision of the Health Department under this section.

26 (i) After a determination on the merits of a hearing requested under this section,
27 an applicant may not request a subsequent hearing within 1 year after the completion of
28 the hearing process and any judicial review of the administrative decision.

29 (j) The Secretary of Health and Mental Hygiene may adopt regulations
30 establishing fees to cover the administrative costs associated with the implementation of
31 this section.

32 (k) An individual licensed in the State as a physician who is board certified in
33 psychiatry, or a psychologist who, in good faith and with reasonable grounds, acts in
34 compliance with this section, may not be held civilly or criminally liable for actions
35 authorized by this section.]

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

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

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

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

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

12 (c) An application for registration filed with the Secretary of State Police shall be
13 accompanied by a nonrefundable total registration fee of \$15, regardless of the number of
14 firearms registered.

15 (d) Registration data provided under this section is not open to public inspection.]

16 [5-144.] **5-143.**

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

19 (1) knowingly participate in the illegal sale, rental, transfer, purchase,
20 possession, or receipt of a regulated firearm in violation of this subtitle; or

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

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

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

25 [5-145.

26 (a) (1) A licensed dealer shall keep records of all receipts, sales, and other
27 dispositions of firearms affected in connection with the licensed dealer's business.

28 (2) The Secretary shall adopt regulations specifying:

29 (i) subject to paragraph (3) of this subsection, the information that
30 the records shall contain;

1 (ii) the time period for which the records are to be kept; and

2 (iii) the form in which the records are to be kept.

3 (3) The records shall include:

4 (i) the name and address of each person from whom the dealer
5 acquires a firearm and to whom the dealer sells or otherwise disposes of a firearm;

6 (ii) a precise description, including make, model, caliber, and serial
7 number of each firearm acquired, sold, or otherwise disposed of; and

8 (iii) the date of each acquisition, sale, or other disposition.

9 (4) Records maintained under 18 U.S.C. § 923(g)(1)(a) may be used to
10 satisfy the requirements of this section, if the Secretary is granted access to those records.

11 (b) (1) When required by a letter issued by the Secretary, a licensee shall
12 submit to the Secretary the information required to be kept under subsection (a) of this
13 section for the time periods specified by the Secretary.

14 (2) The Secretary shall determine the form and method by which the
15 records shall be maintained.

16 (c) When a firearms business is discontinued and succeeded by a new licensee,
17 the records required to be kept under this section shall reflect the business discontinuance
18 and succession and shall be delivered to the successor licensee.

19 (d) (1) A licensee shall respond within 48 hours after receipt of a request from
20 the Secretary for information contained in the records required to be kept under this section
21 when the information is requested in connection with a bona fide criminal investigation.

22 (2) The information requested under this subsection shall be provided
23 orally or in writing, as required by the Secretary.

24 (3) The Secretary may implement a system by which a licensee can
25 positively establish that a person requesting information by telephone is authorized by the
26 Secretary to request the information.

27 (e) The Secretary may make available to a federal, State, or local law enforcement
28 agency any information that the Secretary obtains under this section relating to the
29 identities of persons who have unlawfully purchased or received firearms.

30 (f) The Secretary:

1 (1) shall inspect the inventory and records of a licensed dealer at least once
2 every 2 years; and

3 (2) may inspect the inventory and records at any time during the normal
4 business hours of the licensed dealer's business.

5 (g) (1) A person who violates this section is subject to a civil penalty not
6 exceeding \$1,000 imposed by the Secretary.

7 (2) For a second or subsequent offense, a person who knowingly violates
8 this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years
9 or a fine not exceeding \$10,000 or both.

10 (3) The penalties provided in this subsection are not intended to apply to
11 inconsequential or inadvertent errors.]

12 [5-146.

13 (a) A dealer or any other person who sells or transfers a regulated firearm shall
14 notify the purchaser or recipient of the regulated firearm at the time of purchase or transfer
15 that the purchaser or recipient is required to report a lost or stolen regulated firearm to the
16 local law enforcement agency as required under subsection (b) of this section.

17 (b) If a regulated firearm is lost or stolen, the owner of the regulated firearm shall
18 report the loss or theft to the local law enforcement agency within 72 hours after the owner
19 first discovers the loss or theft.

20 (c) On receipt of a report of a lost or stolen regulated firearm, a local law
21 enforcement agency shall report to the Secretary and enter into the National Crime
22 Information Center (NCIC) database, to the extent known, the caliber, make, model,
23 manufacturer, and serial number of the regulated firearm and any other distinguishing
24 number or identification mark on the regulated firearm.

25 (d) (1) A knowing and willful first-time violation of this section is a civil
26 offense punishable by a fine not exceeding \$500.

27 (2) A person who knowingly and willfully violates this section for a second
28 or subsequent time is guilty of a misdemeanor and on conviction is subject to imprisonment
29 not exceeding 90 days or a fine not exceeding \$500 or both.

30 (e) The imposition of a civil or criminal penalty under this section does not
31 preclude the pursuit of any other civil remedy or criminal prosecution authorized by law.]

32 5-205.

33 (a) [This subtitle does not apply to a rifle or shotgun that is an antique firearm
34 as defined in § 4-201 of the Criminal Law Article] **UNLESS THE PERSON POSSESSES A**

1 **PHYSICIAN'S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A RIFLE**
2 **OR SHOTGUN WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER, A PERSON**
3 **MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON:**

4 **(1) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN §**
5 **10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAS A HISTORY OF VIOLENT**
6 **BEHAVIOR AGAINST THE PERSON OR ANOTHER; OR**

7 **(2) HAS BEEN CONFINED FOR MORE THAN 20 CONSECUTIVE DAYS IN**
8 **A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE.**

9 (b) [A person may not possess a rifle or shotgun if the person:

10 (1) has been convicted of a disqualifying crime as defined in § 5-101 of this
11 title;

12 (2) has been convicted of a violation classified as a crime under common
13 law and received a term of imprisonment of more than 2 years;

14 (3) is a fugitive from justice;

15 (4) is a habitual drunkard as defined in § 5-101 of this title;

16 (5) is addicted to a controlled dangerous substance or is a habitual user as
17 defined in § 5-101 of this title;

18 (6) suffers from a mental disorder as defined in § 10-101(f)(2) of the Health
19 – General Article and has a history of violent behavior against the person or another;

20 (7) has been found incompetent to stand trial under § 3-106 of the Criminal
21 Procedure Article;

22 (8) has been found not criminally responsible under § 3-110 of the
23 Criminal Procedure Article;

24 (9) has been voluntarily admitted for more than 30 consecutive days to a
25 facility as defined in § 10-101 of the Health – General Article;

26 (10) has been involuntarily committed to a facility as defined in §
27 10-101 of the Health – General Article;

28 (11) is under the protection of a guardian appointed by a court under §
29 13-201(c) or § 13-705 of the Estates and Trusts Article, except for cases in which the
30 appointment of a guardian is solely a result of a physical disability;

1 (12) except as provided in subsection (c) of this section, is a respondent
2 against whom:

3 (i) a current non ex parte civil protective order has been entered
4 under § 4–506 of the Family Law Article; or

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

8 (13) if under the age of 30 years at the time of possession, has been
9 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if
10 committed by an adult.

11 (c) This section does not apply to a person transporting a rifle or shotgun if the
12 person is carrying a civil protective order requiring the surrender of the rifle or shotgun
13 and:

14 (1) the rifle or shotgun is unloaded;

15 (2) the person has notified the law enforcement unit, barracks, or station
16 that the rifle or shotgun is being transported in accordance with the civil protective order;
17 and

18 (3) the person transports the rifle or shotgun directly to the law
19 enforcement unit, barracks, or station.

20 (d)] A person who violates this section is guilty of a misdemeanor and on conviction
21 is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

22 [(e) A person who is disqualified from owning a rifle or shotgun under subsection
23 (b)(6), (7), (8), (9), (10), or (11) of this section may seek relief from the disqualification in
24 accordance with § 5–133.3 of this title.]

25 5–206.

26 (a) A person may not possess a rifle or shotgun if the person was previously
27 convicted of:

28 (1) a crime of violence [as defined in § 5–101 of this title];

29 (2) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, or §
30 5–614 of the Criminal Law Article; or

31 (3) an offense under the laws of another state or the United States that
32 would constitute one of the crimes listed in item (1) or (2) of this subsection if committed in
33 this State.

1 (b) A person who violates this section is guilty of a felony and on conviction is
2 subject to imprisonment not exceeding 15 years.

3 (c) Each violation of this subsection is a separate crime.

4 5–301.

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

6 (b) “Board” means the Handgun Permit Review Board.

7 (c) “Handgun” has the meaning stated in § 4–201 of the Criminal Law Article.

8 (d) “Permit” means a permit issued by the Secretary to carry, wear, or transport
9 a handgun.

10 (e) [“Qualified handgun instructor” has the meaning stated in § 5–101 of this
11 title.

12 (f)] “Secretary” means the Secretary of State Police or the Secretary’s designee.

13 5–306.

14 (a) Subject to subsection [(c)] **(B)** of this section, the Secretary shall issue a permit
15 within a reasonable time to a person who the Secretary finds:

16 (1) is an adult;

17 (2) (i) has not been convicted of a felony or of a misdemeanor for which
18 a sentence of imprisonment for more than 1 year has been imposed; or

19 (ii) if convicted of a crime described in item (i) of this item, has been
20 pardoned or has been granted relief under 18 U.S.C. § 925(c);

21 (3) has not been convicted of a crime involving the possession, use, or
22 distribution of a controlled dangerous substance;

23 (4) is not presently an alcoholic, addict, or habitual user of a controlled
24 dangerous substance unless the habitual use of the controlled dangerous substance is under
25 legitimate medical direction; **AND**

26 (5) [except as provided in subsection (b) of this section, has successfully
27 completed prior to application and each renewal, a firearms training course approved by
28 the Secretary that includes:

- 1 (i) 1. for an initial application, a minimum of 16 hours of
2 instruction by a qualified handgun instructor; or
- 3 2. for a renewal application, 8 hours of instruction by a
4 qualified handgun instructor;
- 5 (ii) classroom instruction on:
- 6 1. State firearm law;
- 7 2. home firearm safety; and
- 8 3. handgun mechanisms and operation; and
- 9 (iii) a firearms qualification component that demonstrates the
10 applicant's proficiency and use of the firearm; and
- 11 (6)] based on an investigation:
- 12 (i) has not exhibited a propensity for violence or instability that may
13 reasonably render the person's possession of a handgun a danger to the person or to
14 another; and
- 15 (ii) has good and substantial reason to wear, carry, or transport a
16 handgun, such as a finding that the permit is necessary as a reasonable precaution against
17 apprehended danger.
- 18 (b) [An applicant for a permit is not required to complete a certified firearms
19 training course under subsection (a) of this section if the applicant:
- 20 (1) is a law enforcement officer or a person who is retired in good standing
21 from service with a law enforcement agency of the United States, the State, or any local
22 law enforcement agency in the State;
- 23 (2) is a member, retired member, or honorably discharged member of the
24 armed forces of the United States or the National Guard;
- 25 (3) is a qualified handgun instructor; or
- 26 (4) has completed a firearms training course approved by the Secretary.
- 27 (c)] An applicant under the age of 30 years is qualified only if the Secretary finds
28 that the applicant has not been:
- 29 (1) committed to a detention, training, or correctional institution for
30 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

- 1 (2) adjudicated delinquent by a juvenile court for:
- 2 (i) an act that would be a crime of violence if committed by an adult;
- 3 (ii) an act that would be a felony in this State if committed by an
4 adult; or
- 5 (iii) an act that would be a misdemeanor in this State that carries a
6 statutory penalty of more than 2 years if committed by an adult.

7 [(d) The Secretary may issue a handgun qualification license, without an
8 additional application or fee, to a person who:

- 9 (1) meets the requirements for issuance of a permit under this section; and
- 10 (2) does not have a handgun qualification license issued under §
11 5-117.1 of this title.]

12 Article – General Provisions

13 [4-325.

14 (a) Except as provided in subsections (b) and (c) of this section, a custodian shall
15 deny inspection of all records of a person authorized to:

- 16 (1) sell, purchase, rent, or transfer a regulated firearm under Title 5,
17 Subtitle 1 of the Public Safety Article; or
- 18 (2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the
19 Public Safety Article.

20 (b) A custodian shall allow inspection of firearm or handgun records by:

- 21 (1) the individual named in the record; or
- 22 (2) the attorney of record of the individual named in the record.

23 (c) This section may not be construed to prohibit the Department of State Police
24 or the Department of Public Safety and Correctional Services from accessing firearm or
25 handgun records in the performance of that department's official duty.]

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
27 1, 2015.