

SENATE BILL 615

E1

6lr1877

By: **Senator Jennings**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Theft of a Firearm**

3 FOR the purpose of prohibiting a person from knowingly or willfully removing or taking a
4 firearm from the possession, custody, or control of a lawful owner without
5 permission; prohibiting a person from receiving, possessing, transferring, buying, or
6 concealing a firearm under certain circumstances; establishing certain penalties for
7 a violation of this Act; requiring a conviction for a violation of this Act to merge for
8 sentencing purposes into a certain conviction for theft under certain circumstances;
9 defining a certain term; and generally relating to the theft of a firearm.

10 BY adding to

11 Article – Criminal Law

12 Section 7–111

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2015 Supplement)

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

17 **Article – Criminal Law**

18 **7–111.**

19 **(A) IN THIS SECTION, “FIREARM” HAS THE MEANING STATED IN § 4–204 OF**
20 **THIS ARTICLE.**

21 **(B) (1) A PERSON MAY NOT KNOWINGLY OR WILLFULLY REMOVE OR TAKE**
22 **A FIREARM OUT OF THE OWNER’S LAWFUL POSSESSION, CUSTODY, OR CONTROL**
23 **WITHOUT THE OWNER’S CONSENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) A PERSON MAY NOT RECEIVE, POSSESS, TRANSFER, BUY, OR**
2 **CONCEAL A FIREARM OBTAINED BY AN ACT DESCRIBED IN PARAGRAPH (1) OF THIS**
3 **SUBSECTION KNOWING OR HAVING REASON TO KNOW THAT THE FIREARM WAS**
4 **OBTAINED ILLEGALLY.**

5 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF**
6 **THEFT OF A FIREARM AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
7 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

8 **(D) (1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR THEFT OF**
9 **A FIREARM UNDER § 7-104 OF THIS PART.**

10 **(2) IF A PERSON IS CONVICTED UNDER § 7-104 OF THIS PART AND**
11 **UNDER THIS SECTION FOR THE SAME ACT OR TRANSACTION, THE CONVICTION**
12 **UNDER THIS SECTION SHALL MERGE FOR SENTENCING PURPOSES INTO THE**
13 **CONVICTION UNDER § 7-104 OF THIS PART.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2016.