

SENATE BILL 727

E2
HB 1001/16 – JUD

7lr0318
CF 7lr2443

By: **Senators Smith, Astle, Feldman, Ferguson, Guzzone, Kagan, Kelley, King, Lee, Madaleno, Manno, Muse, Peters, Pinsky, Ramirez, Robinson, Rosapepe, Young, and Zucker**

Introduced and read first time: February 3, 2017
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Firearms – Transfer**

3 FOR the purpose of requiring a court to inform a person convicted of a certain offense that
4 the person is prohibited from possessing a certain firearm under certain provisions
5 of law; requiring the court to advise the person that certain proof must be provided
6 to the Department of Public Safety and Correctional Services that certain firearms
7 owned by the person or in the person's possession have been transferred from the
8 person's possession; providing for the procedure to transfer certain firearms;
9 requiring a person accepting a transferred firearm to issue a certain notice or proof
10 of transfers; requiring a person who is subject to a certain order to file certain proof
11 with the Department of Public Safety and Correctional Services or attest certain
12 facts to the Department within a certain period; authorizing the disposal of a certain
13 firearm under certain circumstances; providing an exception for a certain person
14 from a prohibition against carrying, transporting, or possessing a certain firearm
15 under certain circumstances; defining certain terms; and generally relating to
16 firearms.

17 BY adding to
18 Article – Criminal Procedure
19 Section 6–234
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2016 Supplement)

22 BY adding to
23 Article – Public Safety
24 Section 5–133(f)
25 Annotated Code of Maryland
26 (2011 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 5–205(c)
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2016 Supplement)

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

8 **Article – Criminal Procedure**

9 **6–234.**

10 (A) IN THIS SECTION, “CONVICTED OF A DISQUALIFYING CRIME” HAS THE
11 MEANING STATED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE.

12 (3) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN §
13 5–101 OF THE PUBLIC SAFETY ARTICLE.

14 (B) THE COURT SHALL INFORM A PERSON CONVICTED OF A DISQUALIFYING
15 CRIME, EITHER VERBALLY OR IN WRITING, THAT THE PERSON IS PROHIBITED FROM
16 POSSESSING:

17 (1) A REGULATED FIREARM UNDER § 5–133 OF THE PUBLIC SAFETY
18 ARTICLE; AND

19 (2) A RIFLE OR SHOTGUN UNDER § 5–205 OF THE PUBLIC SAFETY
20 ARTICLE.

21 (C) (1) THE COURT SHALL FURTHER ADVISE THE PERSON THAT PROOF
22 MUST BE PROVIDED TO THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
23 SERVICES, IN ACCORDANCE WITH THIS SECTION, THAT ALL FIREARMS OWNED BY
24 THE PERSON OR IN THE PERSON’S POSSESSION THAT VIOLATE THE PROHIBITIONS
25 DESCRIBED IN SUBSECTION (B) OF THIS SECTION HAVE BEEN TRANSFERRED FROM
26 THE PERSON’S POSSESSION.

27 (2) (I) A TRANSFER OF A FIREARM UNDER THIS SUBSECTION
28 SHALL BE MADE WITHIN 2 DAYS AFTER THE PERSON WAS CONVICTED OF A
29 DISQUALIFYING CRIME TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR TO
30 A FEDERALLY LICENSED FIREARMS DEALER.

31 (II) A PERSON PROHIBITED FROM POSSESSING A FIREARM
32 UNDER § 5–133 OR § 5–205 OF THE PUBLIC SAFETY ARTICLE MAY DESIGNATE A
33 REPRESENTATIVE TO TRANSFER A FIREARM TO A STATE OR LOCAL LAW
34 ENFORCEMENT OFFICIAL OR TO A FEDERALLY LICENSED FIREARMS DEALER.

1 **(3) A LAW ENFORCEMENT OFFICIAL OR DEALER ACCEPTING A**
2 **TRANSFERRED FIREARM UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL ISSUE**
3 **A WRITTEN NOTICE OF COMPLETED TRANSACTION OR OTHER PROOF OF TRANSFER**
4 **TO THE PERSON TRANSFERRING THE FIREARM.**

5 **(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
6 **PARAGRAPH, A WRITTEN NOTICE OF COMPLETED TRANSACTION OR PROOF OF**
7 **TRANSFER DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION SHALL INCLUDE:**

8 **1. THE NAME OF THE PERSON TRANSFERRING THE**
9 **FIREARM;**

10 **2. THE DATE THE FIREARM WAS TRANSFERRED; AND**

11 **3. THE SERIAL NUMBER, MAKE, AND MODEL OF THE**
12 **FIREARM.**

13 **(II) FOR A FIREARM MANUFACTURED BEFORE 1968,**
14 **IDENTIFYING MARKS MAY BE SUBSTITUTED FOR THE SERIAL NUMBER REQUIRED BY**
15 **THIS PARAGRAPH.**

16 **(D) WITHIN 5 BUSINESS DAYS AFTER BEING ADVISED OF THE REQUIREMENT**
17 **TO TRANSFER POSSESSION OF A FIREARM UNDER SUBSECTION (C) OF THIS SECTION,**
18 **A PERSON SHALL:**

19 **(1) FILE A COPY OF A WRITTEN NOTICE OF COMPLETED TRANSACTION**
20 **OR PROOF OF TRANSFER WITH THE DEPARTMENT OF PUBLIC SAFETY AND**
21 **CORRECTIONAL SERVICES AND ATTEST THAT ALL FIREARMS OWNED BY THE**
22 **PERSON OR IN THE PERSON'S POSSESSION HAVE BEEN TRANSFERRED AND THAT**
23 **THE PERSON DOES NOT OWN OR POSSESS ANY OTHER FIREARMS; OR**

24 **(2) ATTEST TO THE DEPARTMENT OF PUBLIC SAFETY AND**
25 **CORRECTIONAL SERVICES THAT THE PERSON DOES NOT OWN OR POSSESS A**
26 **FIREARM AND DID NOT OWN OR POSSESS A FIREARM AT THE TIME OF THE ORDER.**

27 **(E) IF A PERSON TRANSFERS A FIREARM TO A LAW ENFORCEMENT AGENCY**
28 **UNDER THIS SECTION, THE AGENCY MAY DISPOSE OF THE FIREARM.**

29 **Article – Public Safety**

30 5–133.

1 **(F) THIS SECTION DOES NOT APPLY TO THE CARRYING OR TRANSPORTING**
2 **OF A REGULATED FIREARM BY A PERSON WHO IS PROHIBITED FROM POSSESSING**
3 **THE REGULATED FIREARM BECAUSE THE PERSON HAS BEEN CONVICTED OF A**
4 **DISQUALIFYING CRIME, OR BY THAT PERSON'S REPRESENTATIVE, IF:**

5 **(1) THE FIREARM IS UNLOADED;**

6 **(2) IT IS WITHIN 2 DAYS AFTER THE PERSON WAS CONVICTED OF A**
7 **DISQUALIFYING CRIME;**

8 **(3) THE PERSON OR THE PERSON'S REPRESENTATIVE HAS NOTIFIED**
9 **A LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING**
10 **TRANSPORTED TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR TO A**
11 **FEDERALLY LICENSED FIREARMS DEALER FOR THE PURPOSE OF TRANSFERRING**
12 **THE FIREARM TO THE OFFICIAL OR DEALER; AND**

13 **(4) THE PERSON OR THE PERSON'S REPRESENTATIVE TRANSPORTS**
14 **THE FIREARM DIRECTLY TO THE STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR**
15 **FEDERALLY LICENSED FIREARMS DEALER.**

16 5-205.

17 (c) This section does not apply to:

18 **(1) a person transporting a rifle or shotgun if the person is carrying a civil**
19 **protective order requiring the surrender of the rifle or shotgun and:**

20 **[(1)] (I) the rifle or shotgun is unloaded;**

21 **[(2)] (II) the person has notified the law enforcement unit, barracks, or**
22 **station that the rifle or shotgun is being transported in accordance with the civil protective**
23 **order; and**

24 **[(3)] (III) the person transports the rifle or shotgun directly to the law**
25 **enforcement unit, barracks, or station; OR**

26 **(2) A PERSON WHO IS PROHIBITED FROM POSSESSING A RIFLE OR**
27 **SHOTGUN BECAUSE THE PERSON HAS BEEN CONVICTED OF A DISQUALIFYING**
28 **CRIME, AS DEFINED IN § 5-101 OF THIS TITLE, OR THAT PERSON'S**
29 **REPRESENTATIVE, IF:**

30 **(I) THE RIFLE OR SHOTGUN IS UNLOADED;**

31 **(II) IT IS WITHIN 2 DAYS AFTER THE PERSON WAS CONVICTED**
32 **OF A DISQUALIFYING CRIME;**

1 **(III) THE PERSON OR THE PERSON’S REPRESENTATIVE HAS**
2 **NOTIFIED A LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE RIFLE OR**
3 **SHOTGUN IS BEING TRANSPORTED TO A STATE OR LOCAL LAW ENFORCEMENT**
4 **OFFICIAL OR TO A FEDERALLY LICENSED FIREARMS DEALER FOR THE PURPOSE OF**
5 **TRANSFERRING THE RIFLE OR SHOTGUN TO THE OFFICIAL OR DEALER; AND**

6 **(IV) THE PERSON OR THE PERSON’S REPRESENTATIVE**
7 **TRANSPORTS THE RIFLE OR SHOTGUN DIRECTLY TO THE STATE OR LOCAL LAW**
8 **ENFORCEMENT OFFICIAL OR FEDERALLY LICENSED FIREARMS DEALER.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2017.