

# SENATE BILL 707

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CF HB 888

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By: **Senators Ramirez, Lee, Benson, Brochin, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kasemeyer, Kelley, King, Madaleno, Manno, McFadden, Muse, Nathan–Pulliam, Oaks, Peters, Pinsky, Robinson, Rosapepe, Smith, Young, Zirkin, and Zucker**

Introduced and read first time: February 2, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Firearm Crimes – Rapid Fire Trigger Activator**

3 FOR the purpose of prohibiting a person from transporting a certain rapid fire trigger  
4 activator into the State or manufacturing, possessing, selling, offering to sell,  
5 transferring, purchasing, or receiving a certain rapid fire trigger activator; applying  
6 certain penalties; establishing a certain penalty for using a rapid fire trigger  
7 activator in the commission of a certain crime; defining certain terms; and generally  
8 relating to firearm crimes.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Law  
11 Section 4–301 and 4–306  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2017 Supplement)

14 BY adding to  
15 Article – Criminal Law  
16 Section 4–305.1  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2017 Supplement)

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

21 **Article – Criminal Law**

22 4–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (c) “Assault pistol” means any of the following firearms or a copy regardless of  
5 the producer or manufacturer:

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

7 (2) Bushmaster semiautomatic pistol;

8 (3) Claridge HI–TEC semiautomatic pistol;

9 (4) D Max Industries semiautomatic pistol;

10 (5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

11 (6) Heckler and Koch semiautomatic SP–89 pistol;

12 (7) Holmes MP–83 semiautomatic pistol;

13 (8) Ingram MAC 10/11 semiautomatic pistol and variations including the  
14 Partisan Avenger and the SWD Cobray;

15 (9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;

16 (10) P.A.W.S. type semiautomatic pistol;

17 (11) Skorpion semiautomatic pistol;

18 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

19 (13) UZI semiautomatic pistol;

20 (14) Weaver Arms semiautomatic Nighthawk pistol; or

21 (15) Wilkinson semiautomatic “Linda” pistol.

22 (d) “Assault weapon” means:

23 (1) an assault long gun;

24 (2) an assault pistol; or

25 (3) a copycat weapon.

- 1 (e) (1) “Copycat weapon” means:
- 2 (i) a semiautomatic centerfire rifle that can accept a detachable  
3 magazine and has any two of the following:
- 4 1. a folding stock;
- 5 2. a grenade launcher or flare launcher; or
- 6 3. a flash suppressor;
- 7 (ii) a semiautomatic centerfire rifle that has a fixed magazine with  
8 the capacity to accept more than 10 rounds;
- 9 (iii) a semiautomatic centerfire rifle that has an overall length of less  
10 than 29 inches;
- 11 (iv) a semiautomatic pistol with a fixed magazine that can accept  
12 more than 10 rounds;
- 13 (v) a semiautomatic shotgun that has a folding stock; or
- 14 (vi) a shotgun with a revolving cylinder.
- 15 (2) “Copycat weapon” does not include an assault long gun or an assault  
16 pistol.
- 17 (f) “Detachable magazine” means an ammunition feeding device that can be  
18 removed readily from a firearm without requiring disassembly of the firearm action or  
19 without the use of a tool, including a bullet or cartridge.
- 20 (g) “Flash suppressor” means a device that functions, or is intended to function,  
21 to perceptibly reduce or redirect muzzle flash from the shooter’s field of vision.
- 22 (h) “Licensed firearms dealer” means a person who holds a dealer’s license under  
23 Title 5, Subtitle 1 of the Public Safety Article.
- 24 **(I) “MACHINE GUN” HAS THE MEANING STATED IN § 4–401 OF THIS TITLE.**
- 25 **(J) (1) “RAPID FIRE TRIGGER ACTIVATOR” MEANS ANY DEVICE, PART, OR**  
26 **COMBINATION OF DEVICES OR PARTS THAT IS DESIGNED AND FUNCTIONS TO**  
27 **ACCELERATE THE RATE OF FIRE OF A FIREARM BEYOND THE STANDARD RATE OF**  
28 **FIRE FOR FIREARMS THAT ARE NOT EQUIPPED WITH THAT DEVICE, PART, OR**  
29 **COMBINATION OF DEVICES OR PARTS.**
- 30 **(2) “RAPID FIRE TRIGGER ACTIVATOR” INCLUDES A BUMP STOCK**

1 AND TRIGGER CRANK.

2 **4-305.1.**

3 **A PERSON MAY NOT:**

4 **(1) TRANSPORT A RAPID FIRE TRIGGER ACTIVATOR INTO THE STATE;**  
5 **OR**

6 **(2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER,**  
7 **PURCHASE, OR RECEIVE A RAPID FIRE TRIGGER ACTIVATOR.**

8 4-306.

9 (a) Except as otherwise provided in this subtitle, a person who violates this  
10 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not  
11 exceeding 3 years or a fine not exceeding \$5,000 or both.

12 (b) (1) A person who uses an assault weapon, **A RAPID FIRE TRIGGER**  
13 **ACTIVATOR**, or a magazine that has a capacity of more than 10 rounds of ammunition, in  
14 the commission of a felony or a crime of violence as defined in § 5-101 of the Public Safety  
15 Article is guilty of a misdemeanor and on conviction, in addition to any other sentence  
16 imposed for the felony or crime of violence, shall be sentenced under this subsection.

17 (2) (i) For a first violation, the person shall be sentenced to  
18 imprisonment for not less than 5 years and not exceeding 20 years.

19 (ii) The court may not impose less than the minimum sentence of  
20 5 years.

21 (iii) The mandatory minimum sentence of 5 years may not be  
22 suspended.

23 (iv) Except as otherwise provided in § 4-305 of the Correctional  
24 Services Article, the person is not eligible for parole in less than 5 years.

25 (3) (i) For each subsequent violation, the person shall be sentenced to  
26 imprisonment for not less than 10 years and not exceeding 20 years.

27 (ii) The court may not impose less than the minimum sentence of 10  
28 years.

29 (iii) A sentence imposed under this paragraph shall be consecutive to  
30 and not concurrent with any other sentence imposed for the felony or crime of violence.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2018.