

SENATE BILL 8

E4

9lr0327

(PRE-FILED)

By: **Senator Benson**

Requested: July 30, 2018

Introduced and read first time: January 9, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Computer–Aided Firearm Fabrication – Prohibitions**

3 FOR the purpose of prohibiting a person from using a certain computer–aided fabrication
4 device to manufacture a firearm; prohibiting a person from possessing, selling,
5 offering to sell, transferring, purchasing, or receiving a firearm manufactured using
6 a certain computer–aided fabrication device; prohibiting a person from possessing
7 and intentionally retaining, or distributing, transmitting, publishing, selling,
8 offering to sell, transferring, or purchasing a certain computer control language,
9 computer program, computer software, or computer database; establishing certain
10 penalties; establishing certain exceptions to the prohibitions established under this
11 Act; defining certain terms; and generally relating to computer–aided fabrication of
12 firearms.

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Law
15 Section 4–204(a) and 7–302(a)(1), (4), (5), (6), (8), (10), and (11)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2018 Supplement)

18 BY adding to
19 Article – Criminal Law
20 Section 4–601 through 4–605 to be under the new subtitle “Subtitle 6.
21 Computer–Aided Firearm Fabrication”
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2018 Supplement)

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

26 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-204.

2 (a) (1) In this section, "firearm" means:

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

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

6 (2) "Firearm" includes an antique firearm, handgun, rifle, shotgun,
7 short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether
8 loaded or unloaded.

9 **SUBTITLE 6. COMPUTER-AIDED FIREARM FABRICATION.**

10 **4-601.**

11 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
12 **INDICATED.**

13 **(B) "COMPUTER" HAS THE MEANING STATED IN § 7-302 OF THIS ARTICLE.**

14 **(C) (1) "COMPUTER-AIDED FABRICATION DEVICE" MEANS A**
15 **COMPUTER-CONTROLLED DEVICE OR MACHINE CAPABLE OF OPERATING:**

16 **(I) ON PHYSICAL MATERIAL OR MEDIA TO MANUFACTURE OR**
17 **FABRICATE AN OBJECT;**

18 **(II) USING SPECIFICATIONS CONTAINED IN COMPUTER**
19 **CONTROL LANGUAGE, A COMPUTER PROGRAM, COMPUTER SOFTWARE, OR A**
20 **COMPUTER DATABASE; AND**

21 **(III) WITHOUT THE DIRECT AND CONTINUOUS CONTROL OF A**
22 **PERSON.**

23 **(2) "COMPUTER-AIDED FABRICATION DEVICE" INCLUDES A**
24 **COMPUTER-CONTROLLED:**

25 **(I) 3-D PRINTER;**

26 **(II) CUTTING MACHINE;**

27 **(III) ELECTRICAL DISCHARGE MACHINE; AND**

1 (IV) MILLING MACHINE.

2 (D) "COMPUTER CONTROL LANGUAGE" HAS THE MEANING STATED IN §
3 7-302 OF THIS ARTICLE.

4 (E) "COMPUTER DATABASE" HAS THE MEANING STATED IN § 7-302 OF THIS
5 ARTICLE.

6 (F) "COMPUTER PROGRAM" HAS THE MEANING STATED IN § 7-302 OF THIS
7 ARTICLE.

8 (G) "COMPUTER SOFTWARE" HAS THE MEANING STATED IN § 7-302 OF THIS
9 ARTICLE.

10 (H) "COMPUTER SYSTEM" HAS THE MEANING STATED IN § 7-302 OF THIS
11 ARTICLE.

12 (I) "FIREARM" HAS THE MEANING STATED IN § 4-204 OF THIS TITLE.
13 4-602.

14 THIS SUBTITLE DOES NOT APPLY TO:

15 (1) THE MANUFACTURE OR POSSESSION OF A FIREARM:

16 (I) FOR TESTING OR EXPERIMENTATION AUTHORIZED BY THE
17 SECRETARY OF STATE POLICE OR THE SECRETARY'S DESIGNEE; OR

18 (II) BY A FEDERALLY LICENSED GUN MANUFACTURER; OR

19 (2) THE POSSESSION OF A FIREARM MANUFACTURED BY A
20 FEDERALLY LICENSED GUN MANUFACTURER.

21 4-603.

22 (A) A PERSON MAY NOT USE A COMPUTER-AIDED FABRICATION DEVICE TO
23 MANUFACTURE A FIREARM.

24 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
25 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
26 FINE NOT EXCEEDING \$5,000 OR BOTH.

1 **4-604.**

2 (A) A PERSON MAY NOT POSSESS, SELL, OFFER TO SELL, TRANSFER,
3 PURCHASE, OR RECEIVE A FIREARM MANUFACTURED USING A COMPUTER-AIDED
4 FABRICATION DEVICE.

5 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
6 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
7 FINE NOT EXCEEDING \$5,000 OR BOTH.

8 **4-605.**

9 (A) A PERSON MAY NOT POSSESS AND INTENTIONALLY RETAIN, OR
10 DISTRIBUTE, TRANSMIT, PUBLISH, SELL, OFFER TO SELL, TRANSFER, OR PURCHASE
11 COMPUTER CONTROL LANGUAGE, A COMPUTER PROGRAM, COMPUTER SOFTWARE,
12 OR A COMPUTER DATABASE THAT IS:

13 (1) CAPABLE OF BEING RUN OR EXECUTED USING A COMPUTER OR
14 COMPUTER SYSTEM THAT IS CONNECTED TO OR PART OF ONE OR MORE
15 COMPUTER-AIDED FABRICATION DEVICES; AND

16 (2) DESIGNED TO CAUSE A COMPUTER-AIDED FABRICATION DEVICE
17 TO OPERATE FOR THE PURPOSE OF MANUFACTURING OR OTHERWISE FABRICATING
18 A FIREARM.

19 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
20 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
21 FINE NOT EXCEEDING \$5,000 OR BOTH.

22 **7-302.**

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

24 (4) (i) "Computer" means an electronic, magnetic, optical, organic, or
25 other data processing device or system that performs logical, arithmetic, memory, or
26 storage functions.

27 (ii) "Computer" includes property, a data storage facility, or a
28 communications facility that is directly related to or operated with a computer.

29 (iii) "Computer" does not include an automated typewriter, a
30 typesetter, or a portable calculator.

31 (5) "Computer control language" means ordered statements that direct a
32 computer to perform specific functions.

1 (6) “Computer database” means a representation of information,
2 knowledge, facts, concepts, or instructions that:

3 (i) is intended for use in a computer, computer system, or computer
4 network; and

5 (ii) 1. is being prepared or has been prepared in a formalized
6 manner; or

7 2. is being produced or has been produced by a computer,
8 computer system, or computer network.

9 (8) “Computer program” means an ordered set of instructions or
10 statements that may interact with related data and, when executed in a computer system,
11 causes a computer to perform specified functions.

12 (10) “Computer software” means a computer program, instruction,
13 procedure, or associated document regarding the operation of a computer system.

14 (11) “Computer system” means one or more connected or unconnected
15 computers, peripheral devices, computer software, data, or computer programs.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2019.