

HB0786/708570/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 786
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Secondary Transactions” and substitute “Sales, Rentals, Transfers, and Loans”; in lines 4, 5, 7, 8, 10, 14, and 15, in each instance, strike “transfer” and substitute “sale”; in line 4, strike “in a certain role”; in lines 5, 10, and 11, in each instance, strike “transferor” and substitute “seller”; in line 6, strike “transferee” and substitute “purchaser”; in line 9, before “prohibiting” insert “authorizing a certain seller to remove a certain rifle or shotgun from certain premises under certain circumstances;”; in line 16, strike “transfers” and substitute “sales”; and in the same line, after “Act,” insert “providing that a certain licensee or other person may not sell, rent, transfer, or loan a rifle or shotgun to a certain person under certain circumstances;”.

On page 2, in line 34, after “5–204.1” insert “and 5–207”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 3 through 6, inclusive; in lines 7, 8, 9, 12, 14, and 16, strike “(D)”, “(E)”, “(F)”, “(G)”, “(H)”, and “(I)”, respectively, and substitute “(C)”, “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively; strike in their entirety lines 18 through 25, inclusive; strike beginning with “TRANSFER” in line 27 down through “INVOLVING” in line 28 and substitute “SALE BY”; in line 28, after “LICENSEE” insert a period; and strike beginning with “OR” in line 28 down through the semicolon in line 29.

On pages 4 and 5, strike in their entirety the lines beginning with line 1 on page 4 through line 8 on page 5, inclusive.

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On page 5, in line 9, strike “(C)” and substitute “(B)”; in lines 9, 11, 12, 26, and 33, in each instance, strike “TRANSFER” and substitute “SALE”; in lines 9, 25, and 29, in each instance, strike “TRANSFEROR” and substitute “SELLER”; in lines 10, 26, 27, and 29, in each instance, strike “TRANSFeree” and substitute “PURCHASER”; in line 9, before “IS” insert “OF A RIFLE OR SHOTGUN”; in line 12, strike “(I)”; strike beginning with “PROCESS” in line 13 down through “TRANSFeree” in line 15 and substitute “CONDUCT A BACKGROUND CHECK ON THE PURCHASER THROUGH THE NICS INDEX”; strike in their entirety lines 16 through 19, inclusive; in line 20, strike “(D)”; in line 25, before “(1)” insert “(C)”; in the same line, strike “LICENSEE OR THE”; and in line 32, strike “(E)” and substitute “(D)”.

On page 6, in line 1, strike “(F)” and substitute “(E)”; and after line 8, insert:

“5-207.

(A) THIS SECTION SUPERSEDES ANY RESTRICTION THAT A LOCAL JURISDICTION IN THE STATE IMPOSES ON THE TRANSFER BY A PRIVATE PARTY OF A RIFLE OR SHOTGUN, AND THE STATE PREEMPTS THE RIGHT OF ANY LOCAL JURISDICTION TO REGULATE THE TRANSFER OF A RIFLE OR SHOTGUN.

(B) IN THIS SECTION, “LOAN” INCLUDES A TEMPORARY GRATUITOUS EXCHANGE OF A RIFLE OR SHOTGUN.

(C) A LICENSEE OR ANY OTHER PERSON MAY NOT SELL, RENT, TRANSFER, OR LOAN A RIFLE OR SHOTGUN TO A PURCHASER, LESSEE, TRANSFeree, OR RECIPIENT WHO THE LICENSEE OR OTHER PERSON KNOWS OR HAS REASONABLE CAUSE TO BELIEVE:

(1) HAS BEEN CONVICTED OF A DISQUALIFYING CRIME;

(2) HAS BEEN CONVICTED OF A CONSPIRACY TO COMMIT A FELONY;

(3) HAS BEEN CONVICTED OF A VIOLATION CLASSIFIED AS A COMMON LAW CRIME AND RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2 YEARS;

(4) IS A FUGITIVE FROM JUSTICE;

(5) IS A HABITUAL DRUNKARD AS DEFINED IN § 5-101 OF THIS TITLE;

(6) IS ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE OR IS A HABITUAL USER AS DEFINED IN § 5-101 OF THIS TITLE;

(7) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10-101(I)(2) OF THE HEALTH – GENERAL ARTICLE, AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PURCHASER, LESSEE, TRANSFEREE, RECIPIENT, OR ANOTHER, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT POSSESSES A PHYSICIAN’S CERTIFICATE THAT THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR TO ANOTHER;

(8) HAS BEEN CONFINED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT POSSESSES A PHYSICIAN’S CERTIFICATE THAT THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE

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DANGER TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR TO ANOTHER;

(9) IS A RESPONDENT AGAINST WHOM A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE;

(10) IF UNDER THE AGE OF 30 YEARS AT THE TIME OF THE TRANSACTION, HAS BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR AN ACT THAT WOULD BE A DISQUALIFYING CRIME IF COMMITTED BY AN ADULT;

(11) IS VISIBLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS;

(12) IS A PARTICIPANT IN A STRAW PURCHASE; OR

(13) INTENDS TO USE THE RIFLE OR SHOTGUN TO:

(I) COMMIT A CRIME; OR

(II) CAUSE HARM TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR ANOTHER PERSON.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.”