

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Secondary Transactions” and substitute “Sales, Rentals, and Transfers”; in lines 4, 5, 7, 8, 13, and 15, in each instance, before “transfer” insert “sale, rental, or”; in line 5, before “transferor” insert “seller, lessor, or”; in line 6, before “transferee” insert “purchaser, lessee, or”; in line 8, before “transferor” insert “seller, lessor, or”; in line 13, after “fee” insert “, not exceeding a certain amount,”; in line 16, after “circumstances;” 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; establishing a certain penalty;”; and in line 17, after “Act;” insert “establishing that a certain provision of law supersedes certain local provisions; establishing the intent of the General Assembly that a certain term be construed in a certain manner;”.

On page 2, in line 3, after “5–204.1” insert “and 5–207”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 2 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, in line 4, strike “A TRANSFER:” and substitute “:

(1) A SALE, RENTAL, OR TRANSFER:”.

On page 3, in lines 5, 7, 8, 13, 23, and 25, strike “(1)”, “(2)”, “(3)”, “(4)”, “(7)”, and “(8)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”,

(Over)

**HB0004/638976/2 Judicial Proceedings Committee
Amendments to HB 4
Page 2 of 7**

respectively; strike in their entirety lines 17 through 22, inclusive; in line 23, after “SHOTGUN” insert “SOLD, RENTED, OR”; and after line 26, insert:

“(VII) IN WHICH THE PURCHASER, LESSEE, OR TRANSFEREE:

1. HAS A DEMONSTRABLE RELIGIOUS BELIEF AGAINST TAKING A PORTRAIT PHOTOGRAPH; AND

2. DOES NOT POSSESS A LICENSE OR AN IDENTIFICATION CARD OF ANY KIND WITH PHOTOGRAPHIC IDENTIFICATION; OR”.

On pages 3 and 4, strike in their entirety the lines beginning with line 27 on page 3 through line 17 on page 4, inclusive.

On page 4, after line 17, insert:

“(2) A TRANSFER THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL.”;

in line 18, strike “THE” and substitute “A SALE, RENTAL, OR”; in line 19, after the third “A” insert “PURCHASER, LESSEE, OR”; in lines 20 and 21, in each instance, before “TRANSFEROR” insert “SELLER, LESSOR, OR”; in lines 21, 23, 24, 25, and 30, in each instance, before “TRANSFER” insert “SALE, RENTAL, OR”; in lines 22, 27, and 29, in each instance, before “TRANSFEREE” insert “PURCHASER, LESSEE, OR”; and in line 32, before “TRANSFEROR” insert “SELLER, LESSOR, OR”.

On page 5, in lines 5 and 12, in each instance, before “TRANSFEROR” insert “SELLER, LESSOR, OR”; in lines 6, 7, and 12, in each instance, before “TRANSFEREE”

**HB0004/638976/2 Judicial Proceedings Committee
Amendments to HB 4
Page 3 of 7**

insert "PURCHASER, LESSEE, OR"; in lines 6 and 16, in each instance, before "TRANSFER" insert "SALE, RENTAL, OR"; in line 8, before "TRANSFEROR" insert "SELLER, LESSOR, OR"; and in line 25, before "TRANSFER" insert "SALE, RENTAL, OR".

AMENDMENT NO. 4

On page 5, in line 15, after "FEE" insert "NOT EXCEEDING \$30"; and in line 19, strike "5 YEARS" and substitute "6 MONTHS".

AMENDMENT NO. 5

On page 5, after line 28, 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, AS DEFINED IN § 5-101 OF THIS TITLE;

(Over)

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

(3) IS A FUGITIVE FROM JUSTICE;

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

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

(6) 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 HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE

MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(9) HAS BEEN VOLUNTARILY ADMITTED 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 HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(10) HAS BEEN INVOLUNTARILY COMMITTED 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 HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(11) IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE, EXCEPT FOR CASES IN WHICH THE APPOINTMENT OF A GUARDIAN IS SOLELY A RESULT OF A PHYSICAL DISABILITY, UNLESS THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT HAS RECEIVED A CERTIFICATE FROM THE MARYLAND DEPARTMENT OF HEALTH RELIEVING THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OF THE DISQUALIFICATION;

(12) IS A RESPONDENT AGAINST WHOM:

(i) A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

(Over)

(II) AN ORDER FOR PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR NATIVE AMERICAN TRIBE AND IS IN EFFECT;

(13) 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;

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

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

(16) 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.”

AMENDMENT NO. 6

On page 5, strike beginning with “this” in line 29 down through “2020” in line 30 and substitute “it is the intent of the General Assembly that the term “transfer” in §§ 5-204.1 and 5-207 of the Public Safety Article, as enacted by Section 1 of this Act:

HB0004/638976/2 Judicial Proceedings Committee
Amendments to HB 4
Page 7 of 7

(1) be interpreted in a manner that is consistent with the ruling of the Court of Appeals in Chow v. State, 393 Md. 388 (2006); and

(2) does not include the temporary gratuitous exchange of a rifle or shotgun.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020”.