

HOUSE BILL 1291

E4

1lr2663

By: **Delegate Amprey**

Introduced and read first time: February 8, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Untraceable Firearms**

3 FOR the purpose of prohibiting a person from manufacturing, assembling, possessing,
4 selling, offering to sell, transferring, purchasing, or receiving a certain firearm or
5 unfinished frame or receiver not marked in a certain manner by a federally licensed
6 firearms manufacturer or federally licensed firearms importer; prohibiting a person
7 from possessing, selling, offering to sell, transferring, purchasing, or receiving a
8 certain object marketed or advertised to be, or that a reasonable person would
9 understand to be, designed for a certain purpose; establishing penalties for a
10 violation of this Act; providing that a certain violation is a separate crime; providing
11 for the application of this Act; altering a certain definition; defining certain terms;
12 and generally relating to firearms.

13 BY repealing and reenacting, without amendments,
14 Article – Public Safety
15 Section 5–101(a)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Public Safety
20 Section 5–101(h)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2020 Supplement)

23 BY adding to
24 Article – Public Safety
25 Section 5–701 through 5–703 to be under the new subtitle “Subtitle 7. Untraceable
26 Firearms”
27 Annotated Code of Maryland
28 (2018 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 5–101.

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

6 (h) (1) “Firearm” means:

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

9 (ii) the UNFINISHED frame or receiver, AS DEFINED IN § 5–701 OF
10 THIS TITLE, of such a weapon.

11 (2) “Firearm” includes a starter gun.

12 **SUBTITLE 7. UNTRACEABLE FIREARMS.**

13 **5–701.**

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) “FEDERALLY LICENSED FIREARMS DEALER” MEANS A PERSON
17 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
18 EXPLOSIVES TO DEAL IN FIREARMS.

19 (C) “FEDERALLY LICENSED FIREARMS IMPORTER” MEANS A PERSON
20 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
21 EXPLOSIVES TO IMPORT FIREARMS.

22 (D) “FEDERALLY LICENSED FIREARMS MANUFACTURER” MEANS A PERSON
23 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
24 EXPLOSIVES TO MANUFACTURE FIREARMS.

25 (E) “FIREARM” HAS THE MEANING STATED IN § 5–101 OF THIS TITLE.

26 (F) “MANUFACTURE OR ASSEMBLE” MEANS TO:

27 (1) FABRICATE OR CONSTRUCT A FIREARM OR AN UNFINISHED
28 FRAME OR RECEIVER; OR

1 **(2) FIT TOGETHER THE COMPONENT PARTS OF A FIREARM OR AN**
2 **UNFINISHED FRAME OR RECEIVER TO CONSTRUCT A FIREARM OR AN UNFINISHED**
3 **FRAME OR RECEIVER.**

4 **(G) (1) “UNFINISHED FRAME OR RECEIVER” MEANS A FRAME OR**
5 **RECEIVER OF A FIREARM WHOSE FIRE-CONTROL CAVITY IS COMPLETELY SOLID AND**
6 **UN-MACHINED, AND WHICH MAY BE READILY MADE INTO A FUNCTIONAL FRAME OR**
7 **RECEIVER OF A FIREARM THROUGH MILLING, DRILLING, FILING, MOLDING, OR**
8 **OTHER MEANS.**

9 **(2) “UNFINISHED FRAME OR RECEIVER” INCLUDES ANY OTHER**
10 **OBJECT, PART, OR COMBINATION OF PARTS THAT IS NOT A FUNCTIONAL FRAME OR**
11 **RECEIVER BUT IS DESIGNED OR INTENDED TO BE USED FOR THAT PURPOSE AND CAN**
12 **BE READILY MADE INTO A FUNCTIONAL FRAME OR RECEIVER OF A FIREARM.**

13 **5-702.**

14 **THIS SUBTITLE DOES NOT APPLY TO:**

15 **(1) A FIREARM THAT:**

16 **(I) WAS MANUFACTURED BEFORE 1968;**

17 **(II) HAS BEEN RENDERED PERMANENTLY INOPERABLE; OR**

18 **(III) IS BEING TRANSFERRED OR SURRENDERED TO A LAW**
19 **ENFORCEMENT AGENCY; OR**

20 **(2) SALES, OFFERS TO SELL, TRANSFERS, DELIVERY, OR POSSESSION**
21 **OF ANY FIREARM OR UNFINISHED FRAME OR RECEIVER BETWEEN:**

22 **(I) FEDERALLY LICENSED FIREARMS MANUFACTURERS;**

23 **(II) FEDERALLY LICENSED FIREARMS IMPORTERS; OR**

24 **(III) FEDERALLY LICENSED FIREARMS DEALERS.**

25 **5-703.**

26 **(A) A PERSON MAY NOT:**

27 **(1) MANUFACTURE OR ASSEMBLE A FIREARM OR AN UNFINISHED**

1 FRAME OR RECEIVER THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED BY A
2 FEDERALLY LICENSED FIREARMS MANUFACTURER OR FEDERALLY LICENSED
3 FIREARMS IMPORTER IN COMPLIANCE WITH ALL FEDERAL LAWS AND REGULATIONS
4 REGULATING THE MANUFACTURE AND IMPORT OF FIREARMS; OR

5 (2) POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR
6 RECEIVE:

7 (I) A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT
8 IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED BY A FEDERALLY LICENSED
9 FIREARMS MANUFACTURER OR FEDERALLY LICENSED FIREARMS IMPORTER IN
10 COMPLIANCE WITH ALL FEDERAL LAWS AND REGULATIONS REGULATING THE
11 MANUFACTURE AND IMPORT OF FIREARMS; OR

12 (II) AN OBJECT MARKETED OR ADVERTISED TO BE, OR THAT A
13 REASONABLE PERSON WOULD UNDERSTAND TO BE, DESIGNED FOR THE PURPOSE
14 OF BEING MANUFACTURED OR ASSEMBLED INTO AN UNFINISHED FRAME OR
15 RECEIVER THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED BY A
16 FEDERALLY LICENSED FIREARMS MANUFACTURER OR FEDERALLY LICENSED
17 FIREARMS IMPORTER IN COMPLIANCE WITH ALL FEDERAL LAWS AND REGULATIONS
18 REGULATING THE MANUFACTURE AND IMPORT OF FIREARMS.

19 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
20 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
21 EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

22 (2) EACH VIOLATION OF THIS SECTION IS A SEPARATE CRIME.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2021.