

# HOUSE BILL 425

E4

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CF SB 387

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By: **The Speaker (By Request – Office of the Attorney General) and Delegate Lopez**  
Introduced and read first time: January 20, 2022  
Assigned to: Judiciary

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 3, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – Untraceable Firearms**

3 FOR the purpose of altering a certain definition of “firearm” to include a certain unfinished  
4 frame or receiver; prohibiting a person from purchasing, receiving, selling, offering  
5 to sell, or transferring an unfinished frame or receiver, or possessing a firearm on or  
6 after a certain date, unless it is required by federal law to be, and has been, imprinted  
7 with a certain number in a certain manner; requiring the Secretary of State Police  
8 to suspend a certain dealer’s license if the dealer is charged with a certain crime;  
9 requiring the Secretary to revoke a certain dealer’s license if the dealer is convicted  
10 of a certain crime; and generally relating to firearms.

11 BY repealing and reenacting, without amendments,  
12 Article – Public Safety  
13 Section 5–101(a)  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Public Safety  
18 Section 5–101(h) and 5–114  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2021 Supplement)

21 BY adding to  
22 Article – Public Safety

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 5–701 through 5–705 to be under the new subtitle “Subtitle 7. Untraceable  
2 Firearms”  
3 Annotated Code of Maryland  
4 (2018 Replacement Volume and 2021 Supplement)

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

7 **Article – Public Safety**

8 5–101.

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

10 (h) (1) “Firearm” means:

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

13 (ii) the frame or receiver of such a weapon; **OR**

14 **(III) AN UNFINISHED FRAME OR RECEIVER, AS DEFINED IN §**  
15 **5–701 OF THIS TITLE.**

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

17 5–114.

18 (a) (1) The Secretary shall suspend a dealer’s license if the licensee:

19 (i) is under indictment for a crime of violence; [or]

20 (ii) is arrested for a violation of this subtitle that prohibits the  
21 purchase or possession of a regulated firearm; **OR**

22 **(III) IS CHARGED WITH A CRIME UNDER SUBTITLE 7 OF THIS**  
23 **TITLE.**

24 (2) (i) The Secretary may suspend a dealer’s license if the licensee is  
25 not in compliance with the record keeping and reporting requirements of § 5–145 of this  
26 subtitle.

27 (ii) The Secretary may lift a suspension under this paragraph after  
28 the licensee provides evidence that the record keeping violation has been corrected.

29 (b) The Secretary shall revoke a dealer’s license if:

1 (1) it is discovered that false information has been supplied or false  
2 statements have been made in an application required by this subtitle; or

3 (2) the licensee:

4 (i) is convicted of a disqualifying crime;

5 (ii) is convicted of a violation classified as a common law crime and  
6 receives a term of imprisonment of more than 2 years;

7 (iii) is a fugitive from justice;

8 (iv) is a habitual drunkard;

9 (v) is addicted to a controlled dangerous substance or is a habitual  
10 user;

11 (vi) has spent more than 30 consecutive days in a medical institution  
12 for treatment of a mental disorder, unless the licensee produces a physician's certificate,  
13 issued after the last institutionalization and certifying that the licensee is capable of  
14 possessing a regulated firearm without undue danger to the licensee or to another;

15 (vii) has knowingly or willfully manufactured, offered to sell, or sold  
16 a handgun not on the handgun roster in violation of § 5-406 of this title; [or]

17 (viii) has knowingly or willfully participated in a straw purchase of a  
18 regulated firearm; **OR**

19 **(IX) IS CONVICTED OF A CRIME UNDER SUBTITLE 7 OF THIS**  
20 **TITLE.**

21 (c) If the Secretary suspends or revokes a dealer's license, the Secretary shall  
22 notify the licensee in writing of the suspension or revocation.

23 (d) A person whose dealer's license is suspended or revoked may not engage in  
24 the business of selling, renting, or transferring regulated firearms, unless the suspension  
25 or revocation has been subsequently withdrawn by the Secretary or overruled by a court in  
26 accordance with § 5-116 of this subtitle.

## 27 **SUBTITLE 7. UNTRACEABLE FIREARMS.**

### 28 **5-701.**

29 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
30 **INDICATED.**

1 (B) "ANTIQUE FIREARM" HAS THE MEANING STATED IN § 4-201 OF THE  
2 CRIMINAL LAW ARTICLE.

3 (C) "FEDERALLY LICENSED FIREARMS DEALER" MEANS A PERSON  
4 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
5 EXPLOSIVES TO DEAL IN FIREARMS.

6 (D) "FEDERALLY LICENSED FIREARMS IMPORTER" MEANS A PERSON  
7 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
8 EXPLOSIVES TO IMPORT FIREARMS.

9 (E) "FEDERALLY LICENSED FIREARMS MANUFACTURER" MEANS A PERSON  
10 LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
11 EXPLOSIVES TO MANUFACTURE FIREARMS.

12 (F) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

13 (G) "SECRETARY" MEANS THE SECRETARY OF STATE POLICE OR THE  
14 SECRETARY'S DESIGNEE.

15 (H) "UNFINISHED FRAME OR RECEIVER" MEANS A FORGED, CAST, PRINTED,  
16 EXTRUDED, OR MACHINED BODY OR SIMILAR ARTICLE THAT:

17 (1) HAS REACHED A STAGE IN MANUFACTURE WHERE IT MAY READILY  
18 BE COMPLETED, ASSEMBLED, OR CONVERTED TO BE USED AS THE FRAME OR  
19 RECEIVER OF A FUNCTIONAL FIREARM; OR

20 (2) IS MARKETED OR SOLD TO THE PUBLIC TO BECOME OR BE USED  
21 AS THE FRAME OR RECEIVER OF A FUNCTIONAL FIREARM ONCE COMPLETED,  
22 ASSEMBLED, OR CONVERTED.

23 5-702.

24 THIS SUBTITLE DOES NOT APPLY TO:

25 (1) A FIREARM THAT:

26 (I) WAS MANUFACTURED BEFORE 1968; OR

27 (II) IS AN ANTIQUE FIREARM;

28 (2) A SALE, AN OFFER TO SELL, A TRANSFER, OR A DELIVERY OF A

1 FIREARM OR AN UNFINISHED FRAME OR RECEIVER TO, OR POSSESSION OF A  
2 FIREARM OR UNFINISHED FRAME OR RECEIVER BY:

3 (I) A FEDERALLY LICENSED FIREARMS DEALER;

4 (II) A FEDERALLY LICENSED FIREARMS MANUFACTURER; OR

5 (III) A FEDERALLY LICENSED FIREARMS IMPORTER; OR

6 (3) A TRANSFER OR SURRENDER OF A FIREARM OR AN UNFINISHED  
7 FRAME OR RECEIVER TO A LAW ENFORCEMENT AGENCY.

8 **5-703.**

9 (A) A PERSON MAY NOT PURCHASE, RECEIVE, SELL, OFFER TO SELL, OR  
10 TRANSFER AN UNFINISHED FRAME OR RECEIVER UNLESS IT IS REQUIRED BY  
11 FEDERAL LAW TO BE, AND HAS BEEN, IMPRINTED WITH A SERIAL NUMBER BY A  
12 FEDERALLY LICENSED FIREARMS MANUFACTURER OR FEDERALLY LICENSED  
13 FIREARMS IMPORTER IN COMPLIANCE WITH ALL FEDERAL LAWS AND REGULATIONS  
14 APPLICABLE TO THE MANUFACTURE AND IMPORT OF FIREARMS.

15 (B) ON OR AFTER JANUARY 1, 2023, A PERSON MAY NOT POSSESS A  
16 FIREARM UNLESS:

17 (1) THE FIREARM IS REQUIRED BY FEDERAL LAW TO BE, AND HAS  
18 BEEN, IMPRINTED BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR  
19 FEDERALLY LICENSED FIREARMS IMPORTER WITH A SERIAL NUMBER IN  
20 COMPLIANCE WITH ALL FEDERAL LAWS AND REGULATIONS APPLICABLE TO THE  
21 MANUFACTURE AND IMPORT OF FIREARMS; OR

22 (2) THE FIREARM HAS BEEN IMPRINTED BY A FEDERALLY LICENSED  
23 FIREARMS DEALER OR OTHER FEDERAL LICENSEE AUTHORIZED TO PROVIDE  
24 MARKING SERVICES WITH THE FIRST THREE AND LAST FIVE DIGITS OF THE  
25 LICENSEE'S FEDERAL FIREARMS LICENSE NUMBER, FOLLOWED BY A HYPHEN, AND  
26 THEN FOLLOWED BY ANOTHER NUMBER.

27 (C) A FEDERALLY LICENSED FIREARMS DEALER OR OTHER FEDERAL  
28 LICENSEE AUTHORIZED TO PROVIDE MARKING SERVICES WHO IMPRINTS A FIREARM  
29 UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL:

30 (1) IMPRINT THE FIREARM IN COMPLIANCE WITH ALL FEDERAL LAWS  
31 AND REGULATIONS APPLICABLE TO AFFIXING SERIAL NUMBERS TO FIREARMS,  
32 INCLUDING:

1 (I) MINIMUM SIZE AND DEPTH REQUIREMENTS; AND

2 (II) REQUIREMENTS THAT THE NUMBERS NOT BE READILY  
3 SUSCEPTIBLE TO BEING OBLITERATED, ALTERED, OR REMOVED; AND

4 (2) RETAIN RECORDS FOR ALL FIREARMS IMPRINTED IN  
5 ACCORDANCE WITH ALL FEDERAL LAWS AND REGULATIONS APPLICABLE TO THE  
6 SALE OF A FIREARM.

7 5-704.

8 (A) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A  
9 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
10 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

11 (B) EACH VIOLATION OF THIS SUBTITLE IS A SEPARATE CRIME.

12 5-705.

13 THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS  
14 OF THIS SUBTITLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
16 the application thereof to any person or circumstance is held invalid for any reason in a  
17 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
18 application of this Act that can be given effect without the invalid provision or application,  
19 and for this purpose the provisions of this Act are declared severable.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
21 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.