

SENATE BILL 387

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CF 2lr1537

By: **The President (By Request – Office of the Attorney General) and Senator Lee**
Introduced and read first time: January 24, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

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
23 Section 5–701 through 5–705 to be under the new subtitle “Subtitle 7. Untraceable
24 Firearms”
25 Annotated Code of Maryland
26 (2018 Replacement Volume and 2021 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Public Safety**

3 5–101.

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

5 (h) (1) “Firearm” means:

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

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

9 **(III) AN UNFINISHED FRAME OR RECEIVER, AS DEFINED IN §**
10 **5–701 OF THIS TITLE.**

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

12 5–114.

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

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

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

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

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

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

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

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

27 (2) the licensee:

1 (i) is convicted of a disqualifying crime;

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

4 (iii) is a fugitive from justice;

5 (iv) is a habitual drunkard;

6 (v) is addicted to a controlled dangerous substance or is a habitual
7 user;

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

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

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

16 **(IX) IS CONVICTED OF A CRIME UNDER SUBTITLE 7 OF THIS**
17 **TITLE.**

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

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

24 **SUBTITLE 7. UNTRACEABLE FIREARMS.**

25 **5-701.**

26 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
27 **INDICATED.**

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

30 **(C) "FEDERALLY LICENSED FIREARMS DEALER" MEANS A PERSON**
31 **LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND**

1 **EXPLOSIVES TO DEAL IN FIREARMS.**

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

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

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

9 (G) "SECRETARY" MEANS THE SECRETARY OF STATE POLICE OR THE
10 SECRETARY'S DESIGNEE.

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

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

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

19 **5-702.**

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

21 (1) A FIREARM THAT:

22 (I) WAS MANUFACTURED BEFORE 1968; OR

23 (II) IS AN ANTIQUE FIREARM;

24 (2) A SALE, AN OFFER TO SELL, A TRANSFER, OR A DELIVERY OF A
25 FIREARM OR AN UNFINISHED FRAME OR RECEIVER TO, OR POSSESSION OF A
26 FIREARM OR UNFINISHED FRAME OR RECEIVER BY:

27 (I) A FEDERALLY LICENSED FIREARMS DEALER;

28 (II) A FEDERALLY LICENSED FIREARMS MANUFACTURER; OR

1 (III) A FEDERALLY LICENSED FIREARMS IMPORTER; OR

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

4 5-703.

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

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

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

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

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

26 (1) IMPRINT THE FIREARM IN COMPLIANCE WITH ALL FEDERAL LAWS
27 AND REGULATIONS APPLICABLE TO AFFIXING SERIAL NUMBERS TO FIREARMS,
28 INCLUDING:

29 (I) MINIMUM SIZE AND DEPTH REQUIREMENTS; AND

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

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

4 **5-704.**

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

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

9 **5-705.**

10 **THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS**
11 **OF THIS SUBTITLE.**

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

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
18 1, 2022.