

# HOUSE BILL 162

E4

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CF SB 159

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By: Delegates Moon, Barve, Chang, Feldmark, Ivey, Lehman, Palakovich Carr, Ruth, Shetty, Stewart, Wilkins, and ~~Young~~ Young, Bartlett, Cardin, Conaway, Kaufman, Pasteur, Simpson, Taylor, Toles, and Williams

Introduced and read first time: January 16, 2023

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2023

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

1 AN ACT concerning

2 **Firearms – Maryland Voluntary Do Not Sell Firearm Registry – Establishment**

3 FOR the purpose of requiring the Maryland Department of ~~State Police~~ Health to create  
4 and maintain a Maryland Voluntary Do Not Sell Firearm Registry in which a person  
5 may voluntarily enroll for the purpose of being prohibited from obtaining a firearm;  
6 prohibiting a dealer or other person from selling, renting, loaning, or transferring a  
7 firearm to a purchaser, lessee, borrower, or transferee who the dealer or other person  
8 knows or has reason to believe is registered on the registry; prohibiting certain acts  
9 involving the giving of false information and discrimination relating to the registry;  
10 requiring a custodian of records to deny inspection of certain records relating to the  
11 registry; and generally relating to the Maryland Voluntary Do Not Sell Firearm  
12 Registry.

13 BY repealing and reenacting, with amendments,

14 Article – Public Safety  
15 Section 5–134(b) and 5–207(c)  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume)

18 BY adding to

19 Article – Public Safety  
20 Section 5–901 through 5–906 to be under the new subtitle “Subtitle 9. The Maryland  
21 Voluntary Do Not Sell Firearm Registry”

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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 Annotated Code of Maryland  
2 (2022 Replacement Volume)

3 BY adding to  
4 Article – General Provisions  
5 Section 4–325.1  
6 Annotated Code of Maryland  
7 (2019 Replacement Volume and 2022 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Tax – General  
10 Section 13–203(c)  
11 Annotated Code of Maryland  
12 (2022 Replacement Volume)

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

15 **Article – Public Safety**

16 5–134.

17 (b) A dealer or other person may not sell, rent, loan, or transfer a regulated  
18 firearm to a purchaser, lessee, borrower, or transferee who the dealer or other person knows  
19 or has reasonable cause to believe:

20 (1) is under the age of 21 years, unless the regulated firearm is loaned to a  
21 borrower who may possess the regulated firearm under § 5–133(d) of this subtitle;

22 (2) has been convicted of a disqualifying crime;

23 (3) has been convicted of a conspiracy to commit a felony;

24 (4) has been convicted of a violation classified as a common law crime and  
25 received a term of imprisonment of more than 2 years;

26 (5) is a fugitive from justice;

27 (6) is a habitual drunkard;

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

29 (8) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health  
30 – General Article, and has a history of violent behavior against the purchaser, lessee,  
31 borrower, or transferee or another, unless the purchaser, lessee, borrower, or transferee  
32 possesses a physician’s certificate that the recipient is capable of possessing a regulated

1 firearm without undue danger to the purchaser, lessee, borrower, or transferee or to  
2 another;

3 (9) has been confined for more than 30 consecutive days to a facility as  
4 defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, borrower,  
5 or transferee possesses a physician’s certificate that the recipient is capable of possessing  
6 a regulated firearm without undue danger to the purchaser, lessee, borrower, or transferee  
7 or to another;

8 (10) is a respondent against whom a current non ex parte civil protective  
9 order has been entered under § 4–506 of the Family Law Article;

10 (11) if under the age of 30 years at the time of the transaction, has been  
11 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if  
12 committed by an adult;

13 (12) is visibly under the influence of alcohol or drugs;

14 (13) is a participant in a straw purchase;

15 (14) subject to subsection (c) of this section for a transaction under this  
16 subsection that is made on or after January 1, 2002, has not completed a certified firearms  
17 safety training course conducted free of charge by the Maryland Police Training and  
18 Standards Commission or that meets standards established by the Maryland Police  
19 Training and Standards Commission under § 3–207 of this article; [or]

20 **(15) IS REGISTERED ON THE MARYLAND VOLUNTARY DO NOT SELL**  
21 **FIREARM REGISTRY ESTABLISHED UNDER § 5–902 OF THIS TITLE; OR**

22 ~~[(15)]~~ (16) intends to use the regulated firearm to:

23 (i) commit a crime; or

24 (ii) cause harm to the purchaser, lessee, transferee, or recipient or  
25 another person.

26 5–207.

27 (c) A licensee or any other person may not sell, rent, transfer, or loan a rifle or  
28 shotgun to a purchaser, lessee, transferee, or recipient who the licensee or other person  
29 knows or has reasonable cause to believe:

30 (1) has been convicted of a disqualifying crime, as defined in § 5–101 of this  
31 title;

32 (2) has been convicted of a violation classified as a common law crime and  
33 received a term of imprisonment of more than 2 years;

1 (3) is a fugitive from justice;

2 (4) is a habitual drunkard as defined in § 5–101 of this title;

3 (5) is addicted to a controlled dangerous substance or is a habitual user as  
4 defined in § 5–101 of this title;

5 (6) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health  
6 – General Article, and has a history of violent behavior against the purchaser, lessee,  
7 transferee, recipient, or another, unless the purchaser, lessee, transferee, or recipient has  
8 received a certificate from the Maryland Department of Health relieving the purchaser,  
9 lessee, transferee, or recipient of the disqualification;

10 (7) has been found incompetent to stand trial under § 3–106 of the Criminal  
11 Procedure Article, unless the purchaser, lessee, transferee, or recipient has received a  
12 certificate from the Maryland Department of Health relieving the purchaser, lessee,  
13 transferee, or recipient of the disqualification;

14 (8) has been found not criminally responsible under § 3–110 of the  
15 Criminal Procedure Article, unless the purchaser, lessee, transferee, or recipient has  
16 received a certificate from the Maryland Department of Health relieving the purchaser,  
17 lessee, transferee, or recipient of the disqualification;

18 (9) has been voluntarily admitted for more than 30 consecutive days to a  
19 facility as defined in § 10–101 of the Health – General Article, unless the purchaser, lessee,  
20 transferee, or recipient has received a certificate from the Maryland Department of Health  
21 relieving the purchaser, lessee, transferee, or recipient of the disqualification;

22 (10) has been involuntarily committed for more than 30 consecutive days to  
23 a facility as defined in § 10–101 of the Health – General Article, unless the purchaser,  
24 lessee, transferee, or recipient has received a certificate from the Maryland Department of  
25 Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

26 (11) is under the protection of a guardian appointed by a court under §  
27 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the  
28 appointment of a guardian is solely a result of a physical disability, unless the purchaser,  
29 lessee, transferee, or recipient has received a certificate from the Maryland Department of  
30 Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

31 (12) is a respondent against whom:

32 (i) a current non ex parte civil protective order has been entered  
33 under § 4–506 of the Family Law Article; or

34 (ii) an order for protection, as defined in § 4–508.1 of the Family Law  
35 Article, has been issued by a court of another state or Native American tribe and is in effect;

1 (13) if under the age of 30 years at the time of the transaction, has been  
2 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if  
3 committed by an adult;

4 (14) is visibly under the influence of alcohol or drugs;

5 (15) is a participant in a straw purchase; [or]

6 **(16) IS REGISTERED ON THE MARYLAND VOLUNTARY DO NOT SELL**  
7 **FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THIS TITLE; OR**

8 [(16)] (17) intends to use the rifle or shotgun to:

9 (i) commit a crime; or

10 (ii) cause harm to the purchaser, lessee, transferee, or recipient or  
11 another person.

12 **SUBTITLE 9. THE MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY.**

13 **5-901.**

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

16 (B) “CENTRAL REPOSITORY” HAS THE MEANING STATED IN § 5-108 OF THIS  
17 TITLE.

18 (C) “DEPARTMENT” MEANS THE MARYLAND DEPARTMENT OF ~~STATE~~  
19 ~~POLICE~~ HEALTH.

20 (D) “FIREARM” HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

21 (E) “REGISTRY” MEANS THE MARYLAND VOLUNTARY DO NOT SELL  
22 FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THIS SUBTITLE.

23 (F) “SECRETARY” MEANS THE SECRETARY OF ~~STATE POLICE~~ HEALTH OR  
24 THE SECRETARY’S DESIGNEE.

25 **5-902.**

26 ~~THE~~ ON OR BEFORE DECEMBER 31, 2023, THE DEPARTMENT SHALL CREATE  
27 AND MAINTAIN THE MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY IN

1 WHICH A PERSON MAY VOLUNTARILY ENROLL FOR THE PURPOSE OF BEING  
2 PROHIBITED FROM OBTAINING A FIREARM.

3 **5-903.**

4 (A) A REGISTRY APPLICANT SHALL:

5 (1) BE AT LEAST 18 YEARS OLD; AND

6 (2) SUBMIT TO THE DEPARTMENT A REGISTRY APPLICATION ON THE  
7 FORM THAT THE SECRETARY PROVIDES.

8 (B) A REGISTRY APPLICATION SHALL CONTAIN THE APPLICANT'S NAME,  
9 ADDRESS, SOCIAL SECURITY NUMBER, PLACE AND DATE OF BIRTH, HEIGHT,  
10 WEIGHT, RACE, EYE AND HAIR COLOR, SIGNATURE, DRIVER'S LICENSE OR  
11 PHOTOGRAPHIC IDENTIFICATION SOUNDINDEX NUMBER, AND OCCUPATION.

12 (C) THE REGISTRY APPLICATION FORM SHALL INFORM THE APPLICANT OF  
13 THE PROCESS FOR REMOVAL FROM THE REGISTRY.

14 (D) WITHIN 5 DAYS AFTER RECEIVING A PROPERLY COMPLETED REGISTRY  
15 APPLICATION, THE SECRETARY SHALL:

16 (1) IN COORDINATION WITH THE MOTOR VEHICLE ADMINISTRATION  
17 AND THE COMPTROLLER, BEGINNING WITH THE MOTOR VEHICLE  
18 ADMINISTRATION'S RECORDS, VERIFY THE IDENTITY OF THE APPLICANT;

19 (2) APPROVE THE APPLICATION;

20 ~~(2)~~ (3) ISSUE TO THE APPLICANT WRITTEN CONFIRMATION OF  
21 APPROVAL; AND

22 ~~(3)~~ (4) NOTIFY THE CENTRAL REPOSITORY AND THE MARYLAND  
23 STATE POLICE OF THE APPLICANT'S PLACEMENT ON THE REGISTRY.

24 **5-904.**

25 (A) TO BE REMOVED FROM THE REGISTRY, A PERSON SHALL SUBMIT TO THE  
26 DEPARTMENT A REQUEST FOR REMOVAL FROM THE REGISTRY ON THE FORM THAT  
27 THE SECRETARY PROVIDES.

28 (B) PROMPTLY, BUT NOT SOONER THAN 21 DAYS AFTER RECEIVING A  
29 PROPERLY COMPLETED REQUEST FOR REMOVAL FROM THE REGISTRY, THE  
30 SECRETARY SHALL:





1           (i) who applies for review under this title;

2           (ii) who appeals from a determination under this title; or

3           (iii) against whom an action to recover tax or a penalty is pending or  
4 will be initiated under this title;

5           (5) any license issuing authority of the State required by State law to verify  
6 through the Comptroller that an applicant has paid all undisputed taxes and  
7 unemployment insurance contributions payable to the Comptroller or the Secretary of  
8 Labor or that the applicant has provided for payment in a manner satisfactory to the unit  
9 responsible for collection;

10           (6) a local official as defined in § 13–925 of this title to the extent necessary  
11 to administer Subtitle 9, Part V of this title;

12           (7) a federal official as defined in § 13–930 of this title to the extent  
13 necessary to administer Subtitle 9, Part VI of this title;

14           (8) the Maryland Department of Health in accordance with the federal  
15 Children’s Health Insurance Program Reauthorization Act of 2009;

16           (9) the State Board of Individual Tax Preparers;

17           (10) the Alcohol and Tobacco Commission;

18           (11) the Maryland 9–1–1 Board; [and]

19           (12) a person or governmental entity authorized by the Comptroller in  
20 writing to receive tax information for the purpose of identifying, preventing, or responding  
21 to fraud, provided that the tax information is:

22           (i) anonymized to the extent possible consistent with the  
23 information’s intended use; and

24           (ii) in addition to any other protections and safeguards under law,  
25 subject to any protections and safeguards set forth by the Comptroller in the written  
26 authorization; [and]

27           (13) the Maryland Higher Education Commission; AND

28           (14) **THE MARYLAND DEPARTMENT OF HEALTH SOLELY TO VERIFY**  
29 **THROUGH THE COMPTROLLER THE NAME AND ADDRESS OF APPLICANTS TO THE**  
30 **MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY UNDER TITLE 5,**  
31 **SUBTITLE 9 OF THE PUBLIC SAFETY ARTICLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 ~~October~~ June 1, 2023.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.