

HOUSE BILL 162

E4

3lr0596
CF 3lr1110

By: **Delegates Moon, Barve, Chang, Feldmark, Ivey, Lehman, Palakovich Carr,
Ruth, Shetty, Stewart, Wilkins, and Young**

Introduced and read first time: January 16, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

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

12 BY repealing and reenacting, with amendments,

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

17 BY adding to

18 Article – Public Safety
19 Section 5–901 through 5–906 to be under the new subtitle “Subtitle 9. The Maryland
20 Voluntary Do Not Sell Firearm Registry”
21 Annotated Code of Maryland
22 (2022 Replacement Volume)

23 BY adding to

24 Article – General Provisions
25 Section 4–325.1
26 Annotated Code of Maryland
27 (2019 Replacement Volume and 2022 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 5–134.

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

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

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

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

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

14 (5) is a fugitive from justice;

15 (6) is a habitual drunkard;

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

17 (8) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health
18 – General Article, and has a history of violent behavior against the purchaser, lessee,
19 borrower, or transferee or another, unless the purchaser, lessee, borrower, or transferee
20 possesses a physician’s certificate that the recipient is capable of possessing a regulated
21 firearm without undue danger to the purchaser, lessee, borrower, or transferee or to
22 another;

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

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

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

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

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

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

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

10 ~~[(15)]~~ (16) intends to use the regulated firearm to:

11 (i) commit a crime; or

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

14 5–207.

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

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

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

22 (3) is a fugitive from justice;

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

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

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

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

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

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

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

17 (11) is under the protection of a guardian appointed by a court under §
18 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the
19 appointment of a guardian is solely a result of a physical disability, unless the purchaser,
20 lessee, transferee, or recipient has received a certificate from the Maryland Department of
21 Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

22 (12) is a respondent against whom:

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

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

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

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

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

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

34 **[(16)] (17)** intends to use the rifle or shotgun to:

1 (i) commit a crime; or

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

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

5 **5-901.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "CENTRAL REPOSITORY" HAS THE MEANING STATED IN § 5-108 OF THIS
9 TITLE.

10 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

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

12 (E) "REGISTRY" MEANS THE MARYLAND VOLUNTARY DO NOT SELL
13 FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THIS SUBTITLE.

14 (F) "SECRETARY" MEANS THE SECRETARY OF STATE POLICE OR THE
15 SECRETARY'S DESIGNEE.

16 **5-902.**

17 THE DEPARTMENT SHALL CREATE AND MAINTAIN THE MARYLAND
18 VOLUNTARY DO NOT SELL FIREARM REGISTRY IN WHICH A PERSON MAY
19 VOLUNTARILY ENROLL FOR THE PURPOSE OF BEING PROHIBITED FROM OBTAINING
20 A FIREARM.

21 **5-903.**

22 (A) A REGISTRY APPLICANT SHALL:

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

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

26 (B) A REGISTRY APPLICATION SHALL CONTAIN THE APPLICANT'S NAME,
27 ADDRESS, SOCIAL SECURITY NUMBER, PLACE AND DATE OF BIRTH, HEIGHT,

1 WEIGHT, RACE, EYE AND HAIR COLOR, SIGNATURE, DRIVER'S LICENSE OR
2 PHOTOGRAPHIC IDENTIFICATION SOUNDEX NUMBER, AND OCCUPATION.

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

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

7 (1) APPROVE THE APPLICATION;

8 (2) ISSUE TO THE APPLICANT WRITTEN CONFIRMATION OF
9 APPROVAL; AND

10 (3) NOTIFY THE CENTRAL REPOSITORY OF THE APPLICANT'S
11 PLACEMENT ON THE REGISTRY.

12 5-904.

13 (A) TO BE REMOVED FROM THE REGISTRY, A PERSON SHALL SUBMIT TO THE
14 DEPARTMENT A REQUEST FOR REMOVAL FROM THE REGISTRY ON THE FORM THAT
15 THE SECRETARY PROVIDES.

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

19 (1) APPROVE THE REQUEST;

20 (2) ISSUE TO THE REQUESTOR WRITTEN CONFIRMATION OF
21 REMOVAL; AND

22 (3) NOTIFY THE CENTRAL REPOSITORY OF THE REQUESTOR'S
23 REMOVAL FROM THE REGISTRY.

24 5-905.

25 (A) A PERSON MAY NOT:

26 (1) KNOWINGLY GIVE FALSE INFORMATION WITH THE INTENT OF
27 ENROLLING OR REMOVING ANOTHER PERSON FROM THE REGISTRY; OR

1 **(2) THE ATTORNEY OF RECORD OF THE INDIVIDUAL NAMED IN THE**
2 **RECORD.**

3 **(D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT:**

4 **(1) A LAW ENFORCEMENT AGENCY OR A POLICE OFFICER FROM**
5 **ACCESSING RECORDS RELATING TO THE REGISTRY IN THE PERFORMANCE OF**
6 **OFFICIAL DUTY; OR**

7 **(2) THE DISCLOSURE THAT A PERSON IS OR IS NOT LISTED ON THE**
8 **REGISTRY IN CONNECTION WITH A LAW ENFORCEMENT FIREARM TRANSFER**
9 **BACKGROUND CHECK.**

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