

SB0784/333121/1

BY: Senator Ready

AMENDMENTS TO SENATE BILL 784, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Budget and Taxation Committee Amendments (SB0784/143625/1).

On page 1 of the bill, strike beginning with “imposing” in line 3 down through “ammunition” in line 6 and substitute “altering the amount of certain fines for certain crimes involving certain firearms; requiring that certain fines collected for certain crimes involving firearms be distributed to the Maryland Trauma Physician Services Fund and the Maryland Violence Intervention and Prevention Program Fund; and generally relating to crimes involving firearms”; after line 6, insert:

“BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–204, 4–102, 4–104, 4–108, 4–110, 4–111, 4–203, 4–208, 4–306, 5–622,
and 6–411

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)”;

after line 16, insert:

“BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 10–426

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)”;

and in line 24, after “4–902(e)(1)” insert “, 5–128, 5–129, 5–133.1, 5–139, 5–140, 5–141, 5–144, 5–145, 5–146, 5–203, 5–204.1, 5–205, 5–207, 5–313, 5–314, 5–406, and 5–703”.

On page 2 of the bill, strike in their entirety lines 2 through 20, inclusive.

AMENDMENT NO. 2

On page 2 of the bill, after line 22, insert:

“Article – Criminal Law

3–204.

(a) A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another; or

(2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.

(b) A person who violates this section is guilty of the misdemeanor of reckless endangerment and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding [\$5,000] **\$10,000** or both.

(c) (1) Subsection (a)(1) of this section does not apply to conduct involving:

(i) the use of a motor vehicle, as defined in § 11–135 of the Transportation Article; or

(ii) the manufacture, production, or sale of a product or commodity.

(2) Subsection (a)(2) of this section does not apply to:

(i) a law enforcement officer or security guard in the performance of an official duty; or

(ii) an individual acting in defense of a crime of violence as defined in § 5–101 of the Public Safety Article.

4–102.

- (a) This section does not apply to:
- (1) a law enforcement officer in the regular course of the officer's duty;
 - (2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:
 - (i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;
 - (ii) the weapon carried or possessed by the officer or retired officer is concealed; and
 - (iii) the officer or retired officer is authorized to carry a concealed handgun in the State;
 - (3) a person hired by a county board of education specifically for the purpose of guarding public school property;
 - (4) a person engaged in organized shooting activity for educational purposes; or
 - (5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.
- (b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.
- (c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding ~~[\$1,000]~~ **\$2,000** or both.
- (2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

4-104.

(a) (1) In this section the following words have the meanings indicated.

(2) “Ammunition” means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) (i) “Firearm” means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or any other firearm.

(ii) “Firearm” does not include an antique firearm as defined in § 4-201 of this title.

(b) This section does not apply if:

(1) the minor’s access to a firearm is supervised by an individual at least 18 years old;

(2) the minor’s access to a firearm was obtained as a result of an unlawful entry;

(3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or

(4) the minor has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

(c) A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [~~\$1,000~~] **\$2,000**.

(e) (1) A violation of this section may not:

- (i) be considered evidence of negligence;
- (ii) be considered evidence of contributory negligence;
- (iii) limit liability of a party or an insurer; or
- (iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.

(2) A party, witness, or lawyer may not refer to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

4-108.

(a) In Anne Arundel County, Caroline County, and St. Mary's County a person may not target practice with a gun or weapon or discharge a gun or weapon on the land of another without first obtaining written permission from the owner or possessor of the land.

(b) (1) (i) In Anne Arundel County and Caroline County a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

1. for a first violation, a fine of not less than ~~[\$250]~~ **\$500** and not exceeding ~~[\$1,000]~~ **\$2,000**; and

2. for each subsequent violation, a fine of not less than ~~[\$500]~~ **\$1,000** and not exceeding ~~[\$2,000]~~ **\$4,000**.

(ii) If a person fails to pay a fine imposed under this paragraph, further proceedings shall be held in accordance with § 7-505 of the Courts Article.

(2) In St. Mary's County a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding ~~[\$1,000]~~ **\$2,000**.

4-110.

(a) In this section, "restricted firearm ammunition" means a cartridge, a shell, or any other device that:

(Over)

(1) contains explosive or incendiary material designed and intended for use in a firearm; and

(2) has a core constructed, excluding traces of other substances, entirely from one or a combination of:

(i) tungsten alloys;

(ii) steel;

(iii) iron;

(iv) brass;

(v) beryllium copper;

(vi) depleted uranium; or

(vii) an equivalent material of similar density or hardness.

(b) A person may not, during and in relation to the commission of a crime of violence as defined in § 14–101 of this article, possess or use restricted firearm ammunition.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding ~~[\$5,000]~~ **\$10,000** or both.

4–111.

(a) (1) In this section the following words have the meanings indicated.

(2) “Area for children and vulnerable individuals” means:

(i) a preschool or prekindergarten facility or the grounds of the facility;

(ii) a private primary or secondary school or the grounds of the school; or

(iii) a health care facility, as defined in § 15–10B–01(g)(1), (2), (3), and (4) of the Insurance Article.

(3) “Firearm” has the meaning stated in § 4–104 of this subtitle.

(4) “Government or public infrastructure area” means:

(i) a building or any part of a building owned or leased by a unit of State or local government;

(ii) a building of a public or private institution of higher education, as defined in § 10–101 of the Education Article;

(iii) a location that is currently being used as a polling place in accordance with Title 10 of the Election Law Article or for canvassing ballots in accordance with Title 11 of the Election Law Article;

(iv) an electric plant or electric storage facility, as defined in § 1–101 of the Public Utilities Article;

(v) a gas plant, as defined in § 1–101 of the Public Utilities Article; or

(vi) a nuclear power plant facility.

(5) “Law enforcement official” has the meaning stated in § 4–201 of this article.

(6) “Police officer” has the meaning stated in § 3–201 of the Public Safety Article.

(7) “ROTC” means Reserve Officer Training Corps.

(8) “Special purpose area” means:

(i) a location licensed to sell or dispense alcohol or cannabis for on-site consumption;

(ii) a stadium;

(iii) a museum;

(iv) an amusement park;

(v) a racetrack; or

(vi) a video lottery facility, as defined in § 9-1A-01 of the State Government Article.

(b) This section does not apply to:

(1) a law enforcement official or a police officer;

(2) an on-duty employee of a law enforcement agency authorized by the agency to possess firearms on duty or whose duty assignment involves the possession of firearms;

(3) a member of the armed forces of the United States, the National Guard, or the uniformed services on duty or traveling to or from duty;

(4) a member of an ROTC program while participating in an activity for an ROTC program;

(5) a correctional officer or warden of a correctional facility in the State;

(6) a railroad police officer appointed under Title 3, Subtitle 4 of the Public Safety Article;

(7) an employee of an armored car company, if the person is acting within the scope of employment and has a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article;

(8) subject to subsection (i) of this section, a person who has retired as a law enforcement official in good standing from a law enforcement agency of the United States, the State or another state, or a local unit in the State or another state, who possesses a firearm, if:

(i) 1. the person is carrying the person's badge or credential in compliance with the requirements of the badge or credential;

2. the firearm carried or possessed by the person is concealed from view under or within an article of the person's clothing; and

3. the person is authorized to carry a handgun under the laws of the State or the United States; or

(ii) 1. the person possesses a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; and

2. the firearm carried or possessed by the person is concealed from view under or within an article of the person's clothing;

(9) for a location that is not owned by, leased by, or otherwise under the control of the State or a political subdivision of the State:

(i) the owner or lessee of the location; or

(ii) a person who is authorized by the owner or lessee of the location to wear, carry, or transport a firearm at the location for the purpose of:

1. employment as a security guard licensed under Title 19 of the Business Occupations Article; or

2. protecting any individual or property at the location with an express agreement between the parties, remuneration, or compensation;

(10) a location being used with the permission of the person or governmental unit that owns, leases, or controls the location for:

(i) an organized shooting activity for educational purposes;

(2) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

(h) For purposes of this section, a requirement to keep a handgun concealed is not violated by:

(1) the momentary and inadvertent exposure of a handgun; or

(2) the momentary and inadvertent exposure of the imprint or outline of a handgun.

(i) Nothing in this section limits the power of an administrative head of a Maryland court to punish for contempt or to adopt rules or orders regulating, allowing, restricting, or prohibiting the possession of weapons in any building housing the court or any of its proceedings, or on any grounds appurtenant to the building.

4-203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full-time assistant or deputy sheriff of the State;
or

(vi) a temporary or part-time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector’s gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 5 years or a fine of not less than [~~\$250~~] **\$500** and not exceeding [~~\$2,500~~] **\$5,000** or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3) (i) If the person has previously been convicted once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State’s Attorney notifies the defendant in writing at least 30 days before trial of the State’s intention to seek the mandatory minimum sentence.

(4) (i) If the person has previously been convicted more than once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State’s Attorney notifies the defendant in writing at least 30 days before trial of the State’s intention to seek the mandatory minimum sentence.

4–208.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Demonstration” means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers.

(ii) “Demonstration” does not include the casual use of property by visitors or tourists that does not have the intent or propensity to attract a crowd or onlookers.

(3) (i) “Firearm” means a handgun, rifle, shotgun, short–barreled rifle, short–barreled shotgun, or any other firearm, whether loaded or unloaded.

(ii) “Firearm” does not include an antique firearm.

(4) “Handgun” has the meaning stated in § 5–101 of the Public Safety Article.

(5) “Law enforcement officer” means:

(i) a member of a police force or other unit of the United States, the State, a county, municipal corporation, or other political subdivision who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, the State, a county, municipal corporation, or other political subdivision;

(ii) a park police officer of the Maryland–National Capital Park and Planning Commission;

and (iii) a member of the University System of Maryland Police Force;

(iv) any military or militia personnel directed by constituted authority to keep law and order.

(6) (i) “Public place” means a place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose.

(ii) “Public place” is not limited to a place devoted solely to the uses of the public.

(iii) “Public place” includes:

1. the front or immediate area or parking lot of a store, restaurant, tavern, shopping center, or other place of business;

2. a public building, including its grounds and curtilage;

3. a public parking lot;

4. a public street, sidewalk, or right-of-way;

5. a public park; and

6. other public grounds.

(b) (1) This subsection does not apply to a law enforcement officer.

(2) A person may not have a firearm in the person’s possession or on or about the person at a demonstration in a public place or in a vehicle that is within 1,000 feet of a demonstration in a public place after:

(i) the person has been advised by a law enforcement officer that a demonstration is occurring at the public place; and

(ii) the person has been ordered by the law enforcement officer to leave the area of the demonstration until the person disposes of the firearm.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding [\$1,000] \$2,000 or both.

4-306.

(a) Except as otherwise provided in this subtitle, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding [\$5,000] \$10,000 or both.

(b) (1) A person who uses an assault weapon, a rapid fire trigger activator, or a magazine that has a capacity of more than 10 rounds of ammunition, in the commission of a felony or a crime of violence as defined in § 5-101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or crime of violence, shall be sentenced under this subsection.

(2) (i) For a first violation, the person shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years.

(iii) The mandatory minimum sentence of 5 years may not be suspended.

(iv) Except as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(3) (i) For each subsequent violation, the person shall be sentenced to imprisonment for not less than 10 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 10 years.

(iii) A sentence imposed under this paragraph shall be consecutive to and not concurrent with any other sentence imposed for the felony or crime of violence.

5-622.

(a) In this section, "firearm" includes:

(1) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those words are defined in § 4-201 of this article;

(2) a machine gun, as defined in § 4-401 of this article; and

(3) a regulated firearm, as defined in § 5-101 of the Public Safety Article.

(b) A person may not possess, own, carry, or transport a firearm if that person has been convicted of:

(1) a felony under this title;

(2) a crime under the laws of another state or of the United States that would be a felony under this title if committed in this State;

(3) conspiracy to commit a crime referred to in items (1) and (2) of this subsection; or

(4) an attempt to commit a crime referred to in items (1) and (2) of this subsection.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding [~~\$10,000~~] **\$20,000** or both.

6-411.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Dwelling" means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(ii) “Dwelling” does not include:

1. common elements of a condominium, as defined in § 11–101 of the Real Property Article;

2. property of a cooperative housing corporation other than a unit as defined in § 5–6B–01 of the Corporations and Associations Article; or

3. common areas of a multifamily dwelling as defined in § 12–203 of the Public Safety Article.

(3) “Firearm” has the meaning stated in § 4–104 of this article.

(4) “Law enforcement official” has the meaning stated in § 4–201 of this article.

(5) “Police officer” has the meaning stated in § 3–201 of the Public Safety Article.

(6) (i) “Property” means a building.

(ii) “Property” does not include the land adjacent to a building.

(b) This section does not apply to:

(1) a law enforcement official or police officer;

(2) an on–duty employee of a law enforcement agency authorized by the agency to possess firearms on duty or whose duty assignment involves the possession of firearms;

(3) a member of the armed forces of the United States, the National Guard, or the uniformed services on duty or traveling to or from duty;

(4) a correctional officer or warden of a correctional facility in the State;

(5) the wearing, carrying, or transporting of a firearm on a portion of real property subject to an easement, a right-of-way, a servitude, or any other property interest that allows public access on or through the real property; or

(6) the wearing, carrying, or transporting of a firearm on a portion of real property subject to an easement, a right-of-way, a servitude, or any other property interest allowing access on or through the real property by:

(i) the holder of the easement, right-of-way, servitude, or other property interest; or

(ii) a guest or assignee of the holder of the easement, right-of-way, servitude, or other property interest.

(c) A person wearing, carrying, or transporting a firearm may not enter or trespass in the dwelling of another unless the owner or the owner's agent has given express permission, either to the person or to the public generally, to wear, carry, or transport a firearm inside the dwelling.

(d) A person wearing, carrying, or transporting a firearm may not:

(1) enter or trespass on property unless the owner or the owner's agent has posted a clear and conspicuous sign indicating that it is permissible to wear, carry, or transport a firearm on the property; or

(2) enter or trespass on property unless the owner or the owner's agent has given the person express permission to wear, carry, or transport a firearm on the property.

(e) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding ~~[\$1,000]~~ **\$2,000** or both.

(f) (1) A conviction under this section may not merge with a conviction for any other crime based on the act establishing the violation of this section.

(2) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.”;

strike beginning with “**REVENUE**” in line 29 down through “**ARTICLE**” in line 30 and substitute “**NOTWITHSTANDING ANY OTHER PROVISION OF LAW, 25% OF THE FINES COLLECTED UNDER EACH OF:**

(I) §§ 3-204, 4-102, 4-104, 4-108, 4-110, 4-111, 4-203, 4-208, 4-306, 5-622, AND 6-411 OF THE CRIMINAL LAW ARTICLE;

(II) § 10-426 OF THE NATURAL RESOURCES ARTICLE; AND

(III) §§ 5-128, 5-129, 5-133.1, 5-139, 5-140, 5-141, 5-144, 5-145, 5-146, 5-203, 5-204.1, 5-205, 5-207. 5-313, 5-314, 5-406, AND 5-703 OF THE PUBLIC SAFETY ARTICLE”;

and after line 30, insert:

“Article – Natural Resources

10-426.

(a) A person may not shoot at or kill a bird or animal in the State with a gun or other device operated or accessed via an Internet connection.

(b) Accessing, regulating access to, or regulating the control of a gun or device capable of being operated in violation of this section shall be prima facie evidence of the commission of an offense under this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [~~\$10,000~~] \$20,000 or imprisonment not exceeding 1 year or both.

(d) The hunting privilege or hunting license of a person convicted of violating this section shall be revoked, and the person shall be denied the privilege of hunting in the State for at least 2 years and not more than 5 years.

- (2) an agency authorized to perform law enforcement duties;
- (3) a State or local correctional facility;
- (4) a private security company licensed to do business in the State;
- (5) the purchase of an antique firearm;
- (6) a purchase by a licensee;
- (7) the exchange or replacement of a regulated firearm by a seller for a regulated firearm purchased from the seller by the same person seeking the exchange or replacement within 30 days immediately before the exchange or replacement; or
- (8) a person whose regulated firearm is stolen or irretrievably lost and who considers it essential that the regulated firearm be replaced immediately, if:
 - (i) the person provides the licensee with a copy of the official police report or an official summary of the report, a copy of which shall be attached to the firearm application;
 - (ii) the official police report or official summary of the report contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, the date of the loss or theft, and the date when the loss or theft was reported to the law enforcement agency; and
 - (iii) the loss or theft occurred within 30 days before the person's attempt to replace the regulated firearm, as reflected by the date of loss or theft on the official police report or official summary of the report.”;

On page 3 of the bill, strike beginning with “REVENUE” in line 3 down through “ARTICLE” in line 4 and substitute “**NOTWITHSTANDING ANY OTHER PROVISION OF LAW, 25% OF THE FINES COLLECTED UNDER EACH OF:**”

(I) §§ 3-204, 4-102, 4-104, 4-108, 4-110, 4-111, 4-203, 4-208, 4-306, 5-622, AND 6-411 OF THE CRIMINAL LAW ARTICLE;

(II) § 10-426 OF THE NATURAL RESOURCES ARTICLE; AND

(III) §§ 5-128, 5-129, 5-133.1, 5-139, 5-140, 5-141, 5-144, 5-145, 5-146, 5-203, 5-204.1, 5-205, 5-207, 5-313, 5-314, 5-406, AND 5-703 OF THE PUBLIC SAFETY ARTICLE”;

and after line 7, insert:

“5-128.

(a) Subsection (b) of this section does not apply to:

(1) a law enforcement agency;

(2) an agency authorized to perform law enforcement duties;

(3) a State or local correctional facility;

(4) a private security company licensed to do business in the State;

(5) the purchase of an antique firearm;

(6) a purchase by a licensee;

(7) the exchange or replacement of a regulated firearm by a seller for a regulated firearm purchased from the seller by the same person seeking the exchange or replacement within 30 days immediately before the exchange or replacement; or

(8) a person whose regulated firearm is stolen or irretrievably lost and who considers it essential that the regulated firearm be replaced immediately, if:

(i) the person provides the licensee with a copy of the official police report or an official summary of the report, a copy of which shall be attached to the firearm application;

(ii) the official police report or official summary of the report contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, the date of the loss or theft, and the date when the loss or theft was reported to the law enforcement agency; and

(iii) the loss or theft occurred within 30 days before the person's attempt to replace the regulated firearm, as reflected by the date of loss or theft on the official police report or official summary of the report.

(b) A person may not purchase more than one regulated firearm in a 30-day period.

(c) A licensee or other person may not sell, rent, or transfer a regulated firearm to a firearm applicant whose firearm application is placed on hold because of an open disposition of criminal proceedings against the firearm applicant or disapproved, unless the hold or disapproval has been subsequently withdrawn by the Secretary or overruled by a court in accordance with § 5-127 of this subtitle.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding ~~[\$5,000]~~ **\$10,000** or both.

5-129.

(a) Notwithstanding § 5-128(b) of this subtitle, a person may purchase more than one regulated firearm in a 30-day period if:

(1) the person applies for and the Secretary approves a multiple purchase; and

(2) (i) the purchase of the regulated firearms is for a private collection or a collector series;

(ii) the purchase of the regulated firearms is a bulk purchase from an estate sale;

(iii) 1. the purchase of not more than two regulated firearms is a multiple purchase to take advantage of a licensee's discounted price available only for a multiple purchase; and

2. the purchaser is prohibited from purchasing a regulated firearm during the following 30-day period unless approved under item (i) or (ii) of this item; or

(iii) of this item.

(iv) the purchase is for other purposes similar to items (i) through

(b) (1) The application for a multiple purchase shall:

(i) list the regulated firearms to be purchased;

(ii) state the purpose of the purchase of more than one regulated firearm in a 30-day period;

(iii) be witnessed by a licensee or designated law enforcement agency; and

(iv) be signed under the penalty of perjury by the firearm applicant.

(2) The application for a multiple purchase of regulated firearms shall be attached to a completed firearm application and forwarded to the Secretary by a licensee or designated law enforcement agency.

(c) On receipt of the firearm application and the application for a multiple purchase, the Secretary shall conduct a background investigation as required in § 5-121 of this subtitle.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding ~~[\$5,000]~~ **\$10,000** or both.

(a) In this section, “ammunition” means a cartridge, shell, or any other device containing explosive or incendiary material designed and intended for use in a firearm.

(b) A person may not possess ammunition if the person is prohibited from possessing a regulated firearm under § 5–133 (b) or (c) of this subtitle.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding ~~[\$1,000]~~ **\$2,000** or both.

5–139.

(a) A person may not knowingly give false information or make a material misstatement in a firearm application or in an application for a dealer’s license.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding ~~[\$5,000]~~ **\$10,000** or both.

5–140.

(a) A dealer or other person may not transport a regulated firearm into the State for the purpose of unlawfully selling or trafficking of the regulated firearm.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding ~~[\$25,000]~~ **\$50,000** or both.

(c) Each violation of this section is a separate crime.

5–141.

(a) A dealer or other person may not be a knowing participant in a straw purchase of a regulated firearm for a minor or for a person prohibited by law from possessing a regulated firearm.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding [\$25,000] **\$50,000** or both.

(c) Each violation of this section is a separate crime.

5-144.

(a) Except as otherwise provided in this subtitle, a dealer or other person may not:

(1) knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle; or

(2) knowingly violate § 5-142 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding [\$10,000] **\$20,000** or both.

(c) Each violation of this section is a separate crime.

5-145.

(a) (1) A licensed dealer shall keep records of all receipts, sales, and other dispositions of firearms affected in connection with the licensed dealer's business.

(2) The Secretary shall adopt regulations specifying:

(i) subject to paragraph (3) of this subsection, the information that the records shall contain;

(ii) the time period for which the records are to be kept; and

(iii) the form in which the records are to be kept.

(3) The records shall include:

(i) the name and address of each person from whom the dealer acquires a firearm and to whom the dealer sells or otherwise disposes of a firearm;

(ii) a precise description, including make, model, caliber, and serial number of each firearm acquired, sold, or otherwise disposed of; and

(iii) the date of each acquisition, sale, or other disposition.

(4) Records maintained under 18 U.S.C. § 923(g)(1)(a) may be used to satisfy the requirements of this section, if the Secretary is granted access to those records.

(b) (1) When required by a letter issued by the Secretary, a licensee shall submit to the Secretary the information required to be kept under subsection (a) of this section for the time periods specified by the Secretary.

(2) The Secretary shall determine the form and method by which the records shall be maintained.

(c) When a firearms business is discontinued and succeeded by a new licensee, the records required to be kept under this section shall reflect the business discontinuance and succession and shall be delivered to the successor licensee.

(d) (1) A licensee shall respond within 48 hours after receipt of a request from the Secretary for information contained in the records required to be kept under this section when the information is requested in connection with a bona fide criminal investigation.

(2) The information requested under this subsection shall be provided orally or in writing, as required by the Secretary.

(3) The Secretary may implement a system by which a licensee can positively establish that a person requesting information by telephone is authorized by the Secretary to request the information.

(e) The Secretary may make available to a federal, State, or local law enforcement agency any information that the Secretary obtains under this section relating to the identities of persons who have unlawfully purchased or received firearms.

(f) The Secretary:

(1) shall inspect the inventory and records of a licensed dealer at least once every 2 years; and

(2) may inspect the inventory and records at any time during the normal business hours of the licensed dealer's business.

(g) (1) A person who violates this section is subject to a civil penalty not exceeding \$1,000 imposed by the Secretary.

(2) For a second or subsequent offense, a person who knowingly violates this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding [~~\$10,000~~] **\$20,000** or both.

(3) The penalties provided in this subsection are not intended to apply to inconsequential or inadvertent errors.

5-146.

(a) A dealer or any other person who sells or transfers a regulated firearm shall notify the purchaser or recipient of the regulated firearm at the time of purchase or transfer that the purchaser or recipient is required to report a lost or stolen regulated firearm to the local law enforcement agency as required under subsection (b) of this section.

(b) If a regulated firearm is lost or stolen, the owner of the regulated firearm shall report the loss or theft to the local law enforcement agency within 72 hours after the owner first discovers the loss or theft.

(c) On receipt of a report of a lost or stolen regulated firearm, a local law enforcement agency shall report to the Secretary and enter into the National Crime Information Center (NCIC) database, to the extent known, the caliber, make, model, manufacturer, and serial number of the regulated firearm and any other distinguishing number or identification mark on the regulated firearm.

(d) (1) A knowing and willful first-time violation of this section is a civil offense punishable by a fine not exceeding \$500.

(2) A person who knowingly and willfully violates this section for a second or subsequent time is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding ~~[\$500]~~ **\$1,000** or both.

(e) The imposition of a civil or criminal penalty under this section does not preclude the pursuit of any other civil remedy or criminal prosecution authorized by law.

5-203.

(a) A person may not possess a short-barreled rifle or short-barreled shotgun unless:

(1) the person, while on official business is:

(i) a member of the law enforcement personnel of the federal government, the State, or a political subdivision of the State;

(ii) a member of the armed forces of the United States or the National Guard while on duty or traveling to or from duty;

(iii) a member of the law enforcement personnel of another state or a political subdivision of another state, while temporarily in this State;

(iv) a warden or correctional officer of a correctional facility in the State; or

(v) a sheriff or a temporary or full-time deputy sheriff; or

(2) the short-barreled shotgun or short-barreled rifle has been registered with the federal government in accordance with federal law.

(b) In a prosecution under this section, the defendant has the burden of proving the lawful registration of the short-barreled shotgun or short-barreled rifle.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding [\$5,000] \$10,000 or both.

5-204.1.

(a) This section does not apply to:

(1) a sale, rental, or transfer:

(i) involving a licensee or a federally licensed gun manufacturer, dealer, or importer;

(ii) between immediate family members;

(iii) involving law enforcement personnel of any unit of the federal government, a member of the armed forces of the United States, a member of the National Guard, or law enforcement personnel of the State or any local agency in the State, while acting in the scope of official duty;

(iv) of a curio or relic firearm between collectors who each have in their possession a valid collector of curios and relics license, as the terms are defined in federal law or determinations published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(v) of an unserviceable rifle or shotgun sold, rented, or transferred as a curio or museum piece;

(vi) of a rifle or shotgun modified to render it permanently inoperative; or

(vii) in which the purchaser, lessee, or transferee:

1. has a demonstrable religious belief against taking a portrait photograph; and

2. does not possess a license or an identification card of any kind with photographic identification; or

(2) a transfer that occurs by operation of law on the death of a person for whom the transferee is an executor, an administrator, a trustee, or a personal representative of an estate or a trust created in a will.

(b) A person who is not a licensee may not complete a sale, rental, or transfer of a rifle or shotgun other than a regulated firearm, as a purchaser, lessee, or transferee or seller, lessor, or transferor, unless the person is in compliance with this section.

(c) (1) Before a sale, rental, or transfer is conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee shall both request that a licensee facilitate the sale, rental, or transfer.

(2) (i) A licensee who agrees to facilitate a sale, rental, or transfer under this section shall process the sale, rental, or transfer as though transferring the rifle or shotgun from the licensee's own inventory to the purchaser, lessee, or transferee.

(ii) The licensee shall conduct a background check on the purchaser, lessee, or transferee through the NICS Index and comply with all federal and State law that would apply to the sale, rental, or transfer, including all inventory and record-keeping requirements.

(3) The seller, lessor, or transferor may:

(i) deliver the rifle or shotgun to a licensee; or

(ii) without appearing in person before the licensee, allow another person, to whom the transferor is authorized to transfer the rifle or shotgun, to deliver the rifle or shotgun to the licensee.

(d) (1) The licensee or the seller, lessor, or transferor may not complete the sale, rental, or transfer to the purchaser, lessee, or transferee if the results of the background check indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun.

(2) Unless the seller, lessor, or transferor delivered the rifle or shotgun in accordance with subsection (c)(3)(ii) of this section or otherwise left the rifle or shotgun in the exclusive possession of the licensee, if the results of the background check

indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun, the seller, lessor, or transferor may remove the rifle or shotgun from the premises of the licensee or a gun show.

(e) A licensee may charge a reasonable fee for facilitating a sale, rental, or transfer under this section.

(f) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$10,000 or both.

(2) A person who provides false information while conducting a transaction under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding [\$5,000] **\$10,000** or both.

(g) A licensee who processes a sale, rental, or transfer under this section may not be held civilly liable for personal injury or property damage resulting from the malfunctioning of a rifle or shotgun if the licensee did not modify or alter the rifle or shotgun.

5-205.

(a) This subtitle does not apply to a rifle or shotgun that is an antique firearm as defined in § 4-201 of the Criminal Law Article.

(b) A person may not possess a rifle or shotgun if the person:

(1) has been convicted of a disqualifying crime as defined in § 5-101 of this title;

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

(3) is a fugitive from justice;

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

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

(6) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health – General Article and has a history of violent behavior against the person or another;

(7) has been found incompetent to stand trial under § 3–106 of the Criminal Procedure Article;

(8) has been found not criminally responsible under § 3–110 of the Criminal Procedure Article;

(9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;

(10) has been involuntarily committed to a facility as defined in § 10–101 of the Health – General Article;

(11) is under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;

(12) except as provided in subsection (c) of this section, is a respondent against whom:

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

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

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

(c) This section does not apply to:

(1) a person transporting a rifle or shotgun if the person is carrying a civil protective order requiring the surrender of the rifle or shotgun and:

(i) the rifle or shotgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the rifle or shotgun is being transported in accordance with the civil protective order; and

(iii) the person transports the rifle or shotgun directly to the law enforcement unit, barracks, or station; or

(2) the carrying or transporting of a rifle or shotgun by a person who is carrying a court order requiring the surrender of the rifle or shotgun, if:

(i) the rifle or shotgun is unloaded;

(ii) the person has notified a law enforcement unit, barracks, or station that the rifle or shotgun is being transported in accordance with the order; and

(iii) the person transports the rifle or shotgun directly to a State or local law enforcement agency or a federally licensed firearms dealer.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding ~~[\$1,000]~~ **\$2,000** or both.

(e) A person who is disqualified from owning a rifle or shotgun under subsection (b)(6), (7), (8), (9), (10), or (11) of this section may seek relief from the disqualification in accordance with § 5-133.3 of this title.

5-207.

(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the transfer by a private party of a rifle or shotgun, and the State preempts the right of any local jurisdiction to regulate the transfer of a rifle or shotgun.

(b) In this section, "loan" includes a temporary gratuitous exchange of a rifle or shotgun.

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

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

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

(3) is a fugitive from justice;

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

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

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

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

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

(9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article, unless the purchaser,

lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

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

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

(12) is a respondent against whom:

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

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

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

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

(15) is a participant in a straw purchase; or

(16) intends to use the rifle or shotgun to:

(i) commit a crime; or

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

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding [\$10,000] **\$20,000** or both.

5-313.

(a) A person may not fail to return a revoked permit.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of not less than [\$100] **\$200** or exceeding [\$1,000] **\$2,000** or both.

5-314.

(a) A person who holds a permit may not wear, carry, or transport a handgun while the person is under the influence of alcohol or drugs.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding [\$1,000] **\$2,000** or both.

5-406.

(a) (1) Except as provided in § 5-402 of this subtitle, a person may not manufacture for distribution or sale a handgun that is not included on the handgun roster in the State.

(2) A person may not sell or offer for sale in the State a handgun manufactured after January 1, 1985, that is not included on the handgun roster.

(3) A person may not manufacture, sell, or offer for sale a handgun on which the manufacturer's identification mark or number is obliterated, removed, changed, or otherwise altered.

(b) The Secretary may seek an order from a circuit court to permanently or temporarily enjoin the willful and continuous manufacture, sale, or offer for sale, in violation of this section, of a handgun that is not included on the handgun roster.

(Over)

(c) (1) A person who manufactures a handgun for distribution or sale in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$10,000] **\$20,000** for each violation.

(2) A person who sells or offers to sell a handgun in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$2,500] **\$5,000** for each violation.

(3) For purposes of this subsection, each handgun manufactured, sold, or offered for sale in violation of this subsection is a separate violation.

5-703.

(a) (1) A person may not purchase, receive, sell, offer to sell, or transfer an unfinished frame or receiver unless it is required by federal law to be, and has been, imprinted with a serial number by a federally licensed firearms manufacturer or federally licensed firearms importer in compliance with all federal laws and regulations applicable to the manufacture and import of firearms.

(2) Except as provided in paragraph (1) of this subsection, a person may not sell, offer to sell, or transfer a firearm unless it is imprinted with a serial number as described under subsection (b) of this section.

(b) (1) This subsection does not apply to:

(i) possession of a firearm unless a person knew or reasonably should have known that the firearm was not imprinted with a serial number as described under this subsection;

(ii) possession of a firearm that does not comply with the marking requirements described under this subsection by a person who received the firearm through inheritance, and is not otherwise prohibited from possessing the firearm, for a period not exceeding 30 days after inheriting the firearm; or

(iii) possession of an unfinished frame or receiver by a person that made or manufactured the unfinished frame or receiver, without the use of any prefabricated parts, and who is not otherwise prohibited from possessing the unfinished

frame or receiver, for a period not exceeding 30 days after the person made or manufactured the unfinished frame or receiver.

(2) On or after March 1, 2023, a person may not possess a firearm unless:

(i) the firearm is required by federal law to be, and has been, imprinted by a federally licensed firearms manufacturer, federally licensed firearms importer, or other federal licensee authorized to provide marking services, with a serial number in compliance with all federal laws and regulations applicable to the manufacture and import of firearms; or

(ii) the firearm:

1. has been imprinted by a federally licensed firearms dealer, federal firearms manufacturer, or other federal licensee authorized to provide marking services, with:

A. the zip code of the current owner or person that made, completed, or initially assembled the firearm;

B. the initials of the current owner or person that made, completed, or initially assembled the firearm; and

C. a number that does not match a number used by the current owner on another firearm or by the person who made, completed, or initially assembled the firearm on any other firearm that the person has made, completed, or initially assembled; and

2. has been registered with the Secretary.

(c) (1) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding [\$10,000] **\$20,000** or both.

(2) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding [\$10,000] **\$20,000** or both.

(Over)

(3) Each violation of this section is a separate crime.

(d) A federally licensed firearms dealer or other federal licensee authorized to provide marking services who imprints a firearm under subsection (b)(2)(ii) of this section shall imprint the firearm in compliance with all federal laws and regulations applicable to affixing serial numbers to firearms, including:

(1) minimum size and depth requirements; and

(2) requirements that the numbers not be readily susceptible to being obliterated, altered, or removed.”.

On pages 3 through 10 of the bill, strike in their entirety the lines beginning with line 8 on page 3 through line 26 on page 10, inclusive.