

Maryland Annotated Code
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CRIMINAL LAW
TITLE 4. Weapon Crimes
Subtitle 1. General Provisions

§ 4-101. Dangerous weapons

(a) Definitions. –

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

(ii) "Weapon" does not include:

1. a handgun;

(b) Exceptions for certain individuals. – This section does not prohibit the following individuals from carrying a weapon:

(1) an officer of the State, or of any county or municipal corporation of the State, who is entitled or required to carry the weapon as part of the officer's official equipment, or by any conservator of the peace, who is entitled or required to carry the weapon as part of the conservator's official equipment, or by any officer or conservator of the peace of another state who is temporarily in this State;

(2) a special agent of a railroad;

(3) a holder of a permit to carry a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; or

(4) an individual who carries the weapon as a reasonable precaution against apprehended danger, subject to the right of the court in an action arising under this section to judge the reasonableness of the carrying of the weapon, and the proper occasion for carrying it, under the evidence in the case.

(c) Prohibited. –

(1) A person may not wear or carry a dangerous weapon of any kind concealed on or about the person.

(2) A person may not wear or carry a dangerous weapon ... openly with the intent or purpose of injuring an individual in an unlawful manner.

(3) (i) This paragraph applies in Anne Arundel County, Baltimore County, Caroline County, Cecil County, Harford County, Kent County, Montgomery County, Prince George's County, St. Mary's County, Talbot County, Washington County, and Worcester County.

(ii) A minor may not carry a dangerous weapon between 1 hour after sunset and 1 hour before sunrise, whether concealed or not, except while:

1. on a bona fide hunting trip; or

2. engaged in or on the way to or returning from a bona fide trap shoot, sport shooting event, or any organized civic or military activity.

(d) Penalties. –

(1) 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 or both.

(2) For a person convicted under subsection (c)(1) or (2) of this section, if it appears from the evidence that the weapon was carried, concealed or openly, with the deliberate purpose of injuring or killing another, the court shall impose the highest sentence of imprisonment prescribed.

§ 4-102. Deadly weapons on school property

(a) Exceptions. – 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) Prohibited. – A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) Penalty. –

(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 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.

§ 4-103. Disarming a law enforcement officer

(a) "Law enforcement officer" defined. – In this section, "law enforcement officer" means:

(1) a law enforcement officer who, in an official capacity, is authorized by law to make arrests;
(2) a sheriff, deputy sheriff, or assistant sheriff; or
(3) an employee of the Division of Correction, the Patuxent Institution, the Division of Pretrial Detention and Services, the Division of Parole and Probation, a local correctional facility, or any booking facility.

(b) Prohibited. – A person may not knowingly remove or attempt to remove a firearm from the possession of a law enforcement officer if:

(1) the law enforcement officer is lawfully acting within the course and scope of employment; and
(2) the person has knowledge or reason to know that the law enforcement officer is employed as a law enforcement officer.

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

§ 4-104. Child's access to firearms

(a) Definitions. –

(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) **"Child"** means an individual under the age of 16 years.
(4) (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) Exceptions. – This section does not apply if:

(1) the child's access to a firearm is supervised by an individual at least 18 years old;
(2) the child'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 child has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

(c) Prohibited. – A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.

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

(e) Effect of violation. –

(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. Target practice or discharging gun or weapon

(a) Prohibited. – 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) Penalties. ...

§ 4-110. Restricted firearm ammunition.

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

(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) Possession prohibited. – 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) Penalty. – 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 or both.

Subtitle 2. Handguns

§ 4-201. Definitions

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

(b) Antique firearm. – "Antique firearm" means:

(1) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or

(2) a replica of a firearm described in item (1) of this subsection that:

(i) is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(c) Handgun. –

(1) "Handgun" means a pistol, revolver, or other firearm capable of being concealed on the person.

(2) "Handgun" includes a short-barreled shotgun and a short-barreled rifle.

(3) "Handgun" does not include a shotgun, rifle, or antique firearm.

(d) Law enforcement official. – "Law enforcement official" means:

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

(2) a part-time member of a police force of a county or municipal corporation who is certified by the county or municipal corporation as being trained and qualified in the use of handguns;

(3) a fire and explosive investigator of the Prince George's County Fire/EMS Department as defined in § 2-208.3 of the Criminal Procedure Article; **

(4) a Montgomery County fire and explosive investigator as defined in § 2-208.1 of the Criminal Procedure Article;

(5) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2-208.2 of the Criminal Procedure Article;

(6) a Worcester County fire and explosive investigator as defined in § 2-208.4 of the Criminal Procedure Article; or

(7) a City of Hagerstown fire and explosive investigator as defined in § 2-208.5 of the Criminal Procedure Article.

(e) Rifle. – "Rifle" means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(f) Short-barreled rifle. – "Short-barreled rifle" means:

(1) a rifle that has one or more barrels less than 16 inches long; or

(2) a weapon that has an overall length of less than 26 inches and that was made from a rifle, whether by alteration, modification, or otherwise.

(g) Short-barreled shotgun. – "Short-barreled shotgun" means:

(1) a shotgun that has one or more barrels less than 18 inches long; or

(2) a weapon that has an overall length of less than 26 inches long and was made from a shotgun, whether by alteration, modification, or otherwise.

(h) Shotgun. – "Shotgun" means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.

(i) Vehicle. – "Vehicle" means a motor vehicle as defined in Title 11, Subtitle 1 of the Transportation Article, a train, an aircraft, or a vessel.

§ 4-203. Wearing, carrying, or transporting handgun

(a) Prohibited. –

- (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; or
 - (iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person.
- (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) Exceptions. – 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, in compliance with any limitations imposed under § 5-307 of the Public Safety Article, 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) Penalty. –

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

§ 4-204. Use of handgun or antique firearm in commission of crime

(a) "Firearm" defined. –

- (1) In this section, "firearm" means:

- (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or
- (ii) the frame or receiver of such a weapon.

(2) "Firearm" includes an antique firearm, handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) Prohibited. – A person may not use a firearm in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) Penalty. –

(1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, 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 and, except as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

§ 4-206. Limited search, seizure, and arrest

(a) Limited search. –

(1) A law enforcement officer may make an inquiry and conduct a limited search of a person under paragraph (2) of this subsection if the officer, in light of the officer's observations, information, and experience, reasonably believes that:

(i) the person may be wearing, carrying, or transporting a handgun in violation of § 4-203 of this subtitle;

(ii) because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others;

(iii) under the circumstances, it is impracticable to obtain a search warrant; and

(iv) to protect the officer or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun.

(2) If the circumstances specified under paragraph (1) of this subsection exist, a law enforcement officer:

(i) may approach the person and announce the officer's status as a law enforcement officer;

(ii) may request the name and address of the person;

(iii) if the person is in a vehicle, may request the person's license to operate the vehicle and the registration of the vehicle;

(iv) may ask any question and request any explanation that may be reasonably calculated to determine whether the person is unlawfully wearing, carrying, or transporting a handgun in violation of § 4-203 of this subtitle; and

(v) if the person does not offer an explanation that dispels the officer's reasonable beliefs described in paragraph (1) of this subsection, may conduct a search of the person limited to a patting or frisking of the person's clothing in search of a handgun.

(3) A law enforcement officer acting under this subsection shall take into account all circumstances of the occasion, including the age, appearance, physical condition, manner, and gender of the person approached.

(b) Seizure of handgun and arrest. –

(1) If the officer discovers that the person is wearing, carrying, or transporting a handgun, the officer may demand evidence from the person of the person's authority to wear, carry, or transport the handgun in accordance with § 4-203(b) of this subtitle.

(2) If the person does not produce the evidence specified in paragraph (1) of this subsection, the officer may seize the handgun and arrest the person.

(e) Construction of section. –

(1) This section may not be construed to limit the right of a law enforcement officer to conduct any other type of search or seizure or make an arrest that is otherwise authorized by law.

(2) The provisions of this section are in addition to and not limited by the provisions of Title 2 of the Criminal Procedure Article.

§ 4-208. Possession of firearm at public demonstration

(a) Definitions. –

(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;

(iii) a member of the University of Maryland police force; and

(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) Prohibited. –

(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) Penalty. – 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 or both.

§ 4-209. Regulation of weapons and ammunition

(a) State preemption. – Except as otherwise provided in this section, the State preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of:

- (1) a handgun, rifle, or shotgun; and
- (2) ammunition for and components of a handgun, rifle, or shotgun.

(b) Exceptions. –

(1) A county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the items listed in subsection (a) of this section:

- (i) with respect to minors;
- (ii) with respect to law enforcement officials of the subdivision; and
- (iii) except as provided in paragraph (2) of this subsection, within 100 yards of or in a park, church, school, public building, and other place of public assembly.

(2) A county, municipal corporation, or special taxing district may not prohibit the teaching of or training in firearms safety, or other educational or sporting use of the items listed in subsection (a) of this section.

(3) A county, municipal corporation, or special taxing district may not prohibit the transportation of an item listed in subsection (a) of this section by a person who is carrying a court order requiring the surrender of the item, if:

- (i) the handgun, rifle, or shotgun is unloaded;
- (ii) the person has notified the law enforcement unit, barracks, or station that the item is being transported in accordance with the court order; and
- (iii) the person transports the item directly to the law enforcement unit, barracks, or station.

(c) Preexisting local laws. – To the extent that a local law does not create an inconsistency with this section or expand existing regulatory control, a county, municipal corporation, or special taxing district may exercise its existing authority to amend any local law that existed on or before December 31, 1984.

(d) Discharge of firearms. –

(1) Except as provided in paragraph (2) of this subsection, in accordance with law, a county, municipal corporation, or special taxing district may regulate the discharge of handguns, rifles, and shotguns.

(2) A county, municipal corporation, or special taxing district may not prohibit the discharge of firearms at established ranges.

Subtitle 3. Assault Weapons and Detachable Magazines

§ 4-301. Definitions.

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

(b) Assault long gun. – "Assault long gun" means any assault weapon listed under § 5-101(r)(2) of the Public Safety Article.

(c) Assault pistol. – "Assault pistol" means any of the following firearms or a copy regardless of the producer or manufacturer:

- (1) AA Arms AP-9 semiautomatic pistol;
- (2) Bushmaster semiautomatic pistol;
- (3) Claridge HI-TEC semiautomatic pistol;
- (4) D Max Industries semiautomatic pistol;
- (5) Encom MK-IV, MP-9, or MP-45 semiautomatic pistol;
- (6) Heckler and Koch semiautomatic SP-89 pistol;
- (7) Holmes MP-83 semiautomatic pistol;
- (8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;

- (9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire variation;
 - (10) P.A.W.S. type semiautomatic pistol;
 - (11) Skorpion semiautomatic pistol;
 - (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
 - (13) UZI semiautomatic pistol;
 - (14) Weaver Arms semiautomatic Nighthawk pistol; or
 - (15) Wilkinson semiautomatic "Linda" pistol.
- (d) Assault weapon.** – "Assault weapon" means:
- (1) an assault long gun;
 - (2) an assault pistol; or
 - (3) a copycat weapon.
- (e) Copycat weapon.** –
- (1) "Copycat weapon" means:
 - (i) a semiautomatic centerfire rifle that can accept a detachable magazine and has any two of the following:
 - 1. a folding stock;
 - 2. a grenade launcher or flare launcher; or
 - 3. a flash suppressor;
 - (ii) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;
 - (iii) a semiautomatic centerfire rifle that has an overall length of less than 29 inches;
 - (iv) a semiautomatic pistol with a fixed magazine that can accept more than 10 rounds;
 - (v) a semiautomatic shotgun that has a folding stock; or
 - (vi) a shotgun with a revolving cylinder.
 - (2) "Copycat weapon" does not include an assault long gun or an assault pistol.
- (f) Detachable magazine.** – "Detachable magazine" means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.
- (g) Flash suppressor.** – "Flash suppressor" means a device that functions, or is intended to function, to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.
- (h) Licensed firearms dealer.** – "Licensed firearms dealer" means a person who holds a dealer's license under Title 5, Subtitle 1 of the Public Safety Article.

§ 4-302. Scope of subtitle. This subtitle does not apply to:

- (1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer authorized under Title 3 of the Public Safety Article or 49 U.S.C. § 28101;
- (2) a firearm modified to render it permanently inoperative;
- (3) possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:
 - (i) providing or servicing an assault weapon or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section;
 - (ii) acting to sell or transfer an assault weapon or detachable magazine to a licensed firearm dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or
 - (iii) acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair;
- (4) organizations that are required or authorized by federal law governing their specific business or activity to maintain assault weapons and applicable ammunition and detachable magazines;
- (5) the receipt of an assault weapon or detachable magazine by inheritance, and possession of the inherited assault weapon or detachable magazine, if the decedent lawfully possessed the assault weapon or detachable magazine and the person inheriting the assault weapon or detachable magazine is not otherwise disqualified from possessing a regulated firearm;
- (6) the receipt of an assault weapon or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate;
- (7) possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local unit in the State and is not otherwise prohibited from receiving an assault weapon or detachable magazine if:
 - (i) the assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement; or
 - (ii) the assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency before retirement;
- (8) possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; or
- (9) possession, receipt, and testing by, or shipping to or from:
 - (i) an ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory; or

(ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

§ 4-303. Assault weapons – Prohibited

(a) **In general.** – Except as provided in subsection (b) of this section, a person may not:

- (1) transport an assault weapon into the State; or
- (2) possess, sell, offer to sell, transfer, purchase, or receive an assault weapon.

(b) **Exception.** –

(1) A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of State Police before August 1, 1994, may:

(i) continue to possess and transport the assault pistol; or

(ii) while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to the law enforcement unit, barracks, or station if the person has notified the law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.

(2) A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the licensed firearms dealer lawfully possessed on or before October 1, 2013.

(3) A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013, may:

(i) possess and transport the assault long gun or copycat weapon; or

(ii) while carrying a court order requiring the surrender of the assault long gun or copycat weapon, transport the assault long gun or copycat weapon directly to the law enforcement unit, barracks, or station if the person has notified the law enforcement unit, barracks, or station that the person is transporting the assault long gun or copycat weapon in accordance with a court order and the assault long gun or copycat weapon is unloaded.

(4) A person may transport an assault weapon to or from:

(i) an ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory; or

(ii) a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

§ 4-304. Assault weapons – Seizure and disposition. A law enforcement unit may seize as contraband and dispose of according to regulation an assault weapon transported, sold, transferred, purchased, received, or possessed in violation of this subtitle.

§ 4-305. Detachable magazines – Prohibited

(a) **Scope of section.** – This section does not apply to:

(1) a .22 caliber rifle with a tubular magazine; or

(2) a law enforcement officer or a person who retired in good standing from service with a law enforcement agency of the United States, the State, or any law enforcement agency in the State.

(b) **Prohibited.** – A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm.

§ 4-306. Penalties

(a) **In general.** – 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 or both.

(b) **Use in a felony or crime of violence.**

(1) A person who uses an assault weapon, (1) 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.

Subtitle 4. Uniform Machine Gun Act

§ 4-401. Definitions

(a) **in general.** – In this subtitle the following words have the meanings indicated.

(b) **Crime of violence.** –

(1) **"Crime of violence"** means:

(i) murder in any degree;

(ii) manslaughter;

(iii) kidnapping;

(iv) rape in any degree;

(v) assault in the first degree;

(vi) robbery under § 3-402 or § 3-403 of this article;

(vii) burglary in any degree;

(viii) home invasion under § 6-202 (b) of this article;

- (ix) escape in the first degree; or
- (x) theft.

(2) "Crime of violence" includes an attempt to commit a crime listed in paragraph (1) of this subsection.

(c) **Machine gun.** – "Machine gun" means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.

§ 4-402. Possession of machine gun

(a) **Evidence of possession.** – The presence of a machine gun in a room, boat, or vehicle is evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle.

(b) **Exceptions.** – This subtitle does not prohibit or interfere with:

(1) the manufacture, sale, and transportation of a machine gun for or to a military force or peace officer of the United States, a state, or a political subdivision of a state;

(2) the possession of a machine gun for a scientific purpose;

(3) the possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon;

(4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive; or

(5) the transportation of a lawfully possessed machine gun by a person who is carrying a court order requiring the surrender of the machine gun, if:

(i) the machine gun is unloaded;

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

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

(c) **Seizure and confiscation.** –

(1) A court may issue a warrant to search for and seize a machine gun possessed in violation of this subtitle under the same procedure as for issuance of a warrant for stolen property.

(2) On application by the State's Attorney, a court may order the confiscation or destruction of a legally seized machine gun or the transfer of the machine gun to a peace officer of the State or a political subdivision of the State.

§ 4-403. Registration of machine gun

(a) **Manufacturer registration.** –

(1) A manufacturer of a machine gun shall keep a register of each machine gun manufactured or handled by the manufacturer.

(2) The register shall contain:

(i) the method of manufacture and serial number of the machine gun;

(ii) the date of manufacture, sale, loan, gift, delivery, and receipt of the machine gun from the manufacturer; and

(iii) the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom the machine gun was received, and the purpose for which the machine gun was acquired.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 100.

(b) **Inspection of manufacturer stock.** –

(1) On demand, a manufacturer of a machine gun shall allow a marshal, sheriff, or police officer to inspect the manufacturer's entire stock of machine guns, parts, and supplies and the register required under subsection (a) of this section.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(c) **Registration of possession.** –

(1) A person who acquires a machine gun shall register the machine gun with the Secretary of State Police:

(i) within 24 hours after acquiring the machine gun; and

(ii) in each succeeding year during the month of May.

(2) The Secretary of State Police shall prepare and, on request of an applicant, furnish an application form for registration under this subsection.

(3) An application for registration shall contain:

(i) the make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;

(ii) the name, address, race, gender, date of birth, Maryland driver's license number, and occupation of the person in possession of the machine gun; and

(iii) the name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.

(4) Each application for registration filed with the Secretary of State Police shall be accompanied by a nonrefundable registration fee of \$10.

(5) Registration data provided under this section is not open to public inspection.

§ 4-404. Use of machine gun in crime of violence

(a) **Prohibited.** – A person may not use or possess a machine gun in the commission or attempted commission of a crime of violence.

(b) Penalty. – A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

§ 4-405. Use of machine gun for aggressive purpose

(a) Presumption of offensive or aggressive purpose. – Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when:

(1) the machine gun:

(i) is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun is found;

(ii) is in the possession of, or used by, an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any state or federal court of the United States; or

(iii) is not registered as required under § 4-403 of this subtitle; or

(2) empty or loaded shells that have been used or are susceptible of being used in the machine gun are found in the immediate vicinity of the machine gun.

(b) Prohibited. – A person may not possess or use a machine gun for an offensive or aggressive purpose.

(c) Penalty. – A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years.

(d) Statute of limitations and in banc review. – A person who violates this section is subject to § 5-106(b) of the Courts Article.

§ 4-407. Short title. This subtitle may be cited as the Uniform Machine Gun Act.

Subtitle 5. Destructive Devices

§ 4-501. Definitions

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

(b) Destructive device. –

(1) "Destructive device" means explosive material, incendiary material, or toxic material that is:

(i) combined with a delivery or detonating apparatus so as to be capable of inflicting injury to persons or damage to property; or

(ii) deliberately modified, containerized, or otherwise equipped with a special delivery, activation, or detonation component that gives the material destructive characteristics of a military ordnance.

(2) "Destructive device" includes a bomb, grenade, mine, shell, missile, flamethrower, poison gas, Molotov cocktail, pipe bomb, and petroleum-soaked ammonium nitrate.

§ 4-502. Scope of subtitle. This subtitle does not apply to:

(1) a member of the armed forces of the United States or of the National Guard or law enforcement personnel of the United States, the State, or a political subdivision of the State while acting within the scope of official duties;

(2) an officer or employee of the United States, the State, or a political subdivision of the State who is authorized to handle a destructive device within the scope of official duties and who is acting within the scope of those duties;

(3) a person authorized by law to possess explosive material, incendiary material, or toxic material who is acting within the scope of authority if the possession of the material is specifically regulated or licensed by law; or

(4) a person who possesses smokeless or black gunpowder under Title 11, Subtitle 1 of the Public Safety Article and uses the gunpowder for loading or reloading small arms ammunition, antique firearms, or replicas of antique firearms.

§ 4-503. Manufacture or possession of destructive device

(a) Prohibited. – A person may not knowingly:

(1) manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or

(2) possess explosive material, incendiary material, or toxic material with intent to create a destructive device.

(b) Penalty. –

(1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$250,000 or both.

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

(3) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

(i) for a first violation, 6 months; and

(ii) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

(c) Restitution. –

(1) In addition to any penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:

(i) the State, county, municipal corporation, bicounty agency, multicounty agency, county board of education, public authority, or special taxing district for actual costs reasonably incurred due to a violation of this section, including the search for, removal of, and damages caused by a destructive device; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property or damage sustained due to a violation of this section.

(2) (i) If a person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(3) This subsection does not limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

Family Law
TITLE 4. Spouses
Subtitle 5. Domestic Violence
Part II. Household Violence

§ 4-505. Temporary protective orders (Abrogation of amendment effective December 31, 2016.)

(a) In general. –

(1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

(2) The temporary protective order may order any or all of the following relief:

(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:

1. the use of a firearm by the respondent against a person eligible for relief;
2. a threat by the respondent to use a firearm against a person eligible for relief;
3. serious bodily harm to a person eligible for relief caused by the respondent; or
4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; and

§ 4-506.1. Surrender of firearm; retake of possession; transport

(a) Duties of law enforcement officer upon surrender. – If a respondent surrenders a firearm under § 4-505 or § 4-506 of this subtitle, a law enforcement officer shall:

(1) provide to the respondent information on the process for retaking possession of the firearm; and

(2) transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect.

(b) Retake possession; exception. –

(1) The respondent may retake possession of the firearm at the expiration of a temporary protective order unless:

- (i) the respondent is ordered to surrender the firearm in a protective order issued under § 4-506 of this subtitle; or
- (ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(2) The respondent may retake possession of the firearm at the expiration of a final protective order unless:

- (i) the protective order is extended under § 4-507(a)(2) of this subtitle; or
- (ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(c) Transport. – Notwithstanding any other law, a respondent may transport a firearm if the respondent is carrying a protective order requiring the surrender of the firearm and:

(1) the firearm is unloaded;

(2) the respondent has notified the law enforcement unit, barracks, or station that the firearm is being transported in accordance with the protective order; and

(3) the respondent transports the firearm directly to the law enforcement unit, barracks, or station.

§ 4-511. Removing firearm from scene

(a) In general. – When responding to the scene of an alleged act of domestic violence, as described in this subtitle, a law enforcement officer may remove a firearm from the scene if:

(1) the law enforcement officer has probable cause to believe that an act of domestic violence has occurred; and

(2) the law enforcement officer has observed the firearm on the scene during the response.

(b) Duty of law enforcement officer. – If a firearm is removed from the scene under subsection (a) of this section, the law enforcement officer shall:

(1) provide to the owner of the firearm information on the process for retaking possession of the firearm; and

(2) provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence.

(c) When owner may resume possession. – At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under § 4-506 of this subtitle.

Public Safety
TITLE 5. Firearms
Subtitle 1. Regulated Firearms

§ 5-101. Definitions

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

(b) Antique firearm. – "Antique firearm" has the meaning stated in § 4-201 of the Criminal Law Article.

(b-1) Convicted of a disqualifying crime. –

(1) "Convicted of a disqualifying crime" includes

(i) a case in which a person received probation before judgment for a crime of violence; and

(ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6-233 of the Criminal Procedure Article.

(2) "Convicted of a disqualifying crime" does not include a case in which a person received a probation before judgment:

(i) for assault in the second degree; or

(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.

(c) Crime of violence. – "Crime of violence" means:

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

(4) burglary in the first, second, or third degree;

(5) carjacking and armed carjacking;

(6) escape in the first degree;

(7) kidnapping;

(8) voluntary manslaughter;

(9) maiming as previously proscribed under former Article 27, § 386 of the Code;

(10) mayhem as previously proscribed under former Article 27, § 384 of the Code;

(11) murder in the first or second degree;

(12) rape in the first or second degree;

(13) robbery;

(14) robbery with a dangerous weapon;

(15) sexual offense in the first, second, or third degree;

(16) home invasion under § 6-202(b) of the Criminal Law Article;

(17) an attempt to commit any of the crimes listed in items (1) through (16) of this subsection; or

(18) assault with intent to commit any of the crimes listed in items (1) through (16) of this subsection or a crime punishable by imprisonment for more than 1 year.

(d) Dealer. – "Dealer" means a person who is engaged in the business of:

(1) selling, renting, or transferring firearms at wholesale or retail; or

(2) repairing firearms.

(e) Dealer's license. – "Dealer's license" means a State regulated firearms dealer's license.

(f) Designated law enforcement agency. – "Designated law enforcement agency" means a law enforcement agency that the Secretary designates to process applications to purchase regulated firearms for secondary sales.

(g) Disqualifying crime. – "Disqualifying crime" means:

(1) a crime of violence;

(2) a violation classified as a felony in the State; or

(3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

(h) Firearm. –

(1) "Firearm" means:

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

(ii) the frame or receiver of such a weapon.

(2) "Firearm" includes a starter gun.

(i) Firearm applicant. – "Firearm applicant" means a person who makes a firearm application.

(j) Firearm application. – "Firearm application" means an application to purchase, rent, or transfer a regulated firearm.

(k) Fugitive from justice. – "Fugitive from justice" means a person who has fled to avoid prosecution or giving testimony in a criminal proceeding.

(l) Habitual drunkard. – "Habitual drunkard" means a person who has been found guilty of any three crimes under § 21-902(a), (b), or (c) of the Transportation Article, one of which occurred in the past year.

(m) Habitual user. – "Habitual user" means a person who has been found guilty of two controlled dangerous substance crimes, one of which occurred in the past 5 years.

(n) Handgun. –

- (1) "Handgun" means a firearm with a barrel less than 16 inches in length.
- (2) "Handgun" includes signal, starter, and blank pistols.
- (o) **Handgun qualification license.** – "Handgun qualification license" means a license issued by the Secretary that authorizes a person to purchase, rent, or receive a handgun.
- (p) **Licensee.** – "Licensee" means a person who holds a dealer's license.
- (q) **Qualified handgun instructor.** – "Qualified handgun instructor" means a certified firearms instructor who:
- (1) is recognized by the Maryland Police and Correctional Training commissions;
 - (2) has a qualified handgun instructor license issued by the Secretary; or
 - (3) has a certification issued by a nationally recognized firearms organization.
- (r) **Regulated firearm.** – "Regulated firearm" means:
- (1) a handgun; or
 - (2) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:
 - (i) American Arms Spectre da Semiautomatic carbine;
 - (ii) AK-47 in all forms;
 - (iii) Algimec AGM-1 type semi-auto;
 - (iv) AR 100 type semi-auto;
 - (v) AR 180 type semi-auto;
 - (vi) Argentine L.S.R. semi-auto;
 - (vii) Australian Automatic Arms SAR type semi-auto;
 - (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
 - (ix) Barrett light .50 cal. semi-auto;
 - (x) Beretta AR70 type semi-auto;
 - (xi) Bushmaster semi-auto rifle;
 - (xii) Calico models M-100 and M-900;
 - (xiii) CIS SR 88 type semi-auto;
 - (xiv) Claridge HI TEC C-9 carbines;
 - (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;
 - (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
 - (xvii) Dragunov Chinese made semi-auto;
 - (xviii) Famas semi-auto (.223 caliber);
 - (xix) Feather AT-9 semi-auto;
 - (xx) FN LAR and FN FAL assault rifle;
 - (xxi) FNC semi-auto type carbine;
 - (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
 - (xxiii) Steyr-AUG-SA semi-auto;
 - (xxiv) Galil models AR and ARM semi-auto;
 - (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
 - (xxvi) Holmes model 88 shotgun;
 - (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
 - (xxviii) Manchester Arms "Commando" MK-45, MK-9;
 - (xxix) Mandell TAC-1 semi-auto carbine;
 - (xxx) Mossberg model 500 Bullpup assault shotgun;
 - (xxxii) P.A.W.S. carbine;
 - (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
 - (xxxiv) SIG 550/551 assault rifle (.223 caliber);
 - (xxxv) SKS with detachable magazine;
 - (xxxvi) AP-74 Commando type semi-auto;
 - (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
 - (xxxviii) Street sweeper assault type shotgun;
 - (xxxix) Striker 12 assault shotgun in all formats;
 - (xl) Unique F11 semi-auto type;
 - (xli) Daewoo USAS 12 semi-auto shotgun;
 - (xlii) UZI 9mm carbine or rifle;
 - (xliii) Valmet M-76 and M-78 semi-auto;
 - (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
 - (xlv) Wilkinson Arms 9mm semi-auto "Terry".
- (s) **Rent.** – "Rent" means the temporary transfer for consideration of a regulated firearm that is taken from the property of the owner of the regulated firearm.
- (t) **Secondary sale.** – "Secondary sale" means a sale of a regulated firearm in which neither party to the sale:
- (1) is a licensee;

- (2) is licensed by the federal government as a firearms dealer;
 - (3) devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of earning a profit through the repeated purchase and resale of firearms; or
 - (4) repairs firearms as a regular course of trade or business.
- (u) Secretary.** – "Secretary" means the Secretary of State Police or the Secretary's designee.
- (v) Straw purchase.** – "Straw purchase" means a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:
- (1) complete the application to purchase a regulated firearm;
 - (2) take initial possession of the regulated firearm; and
 - (3) subsequently transfer the regulated firearm to the person.

§ 5-102. Scope of subtitle. This subtitle does not apply to:

- (1) the transfer or possession of a regulated firearm or detachable magazine:
 - (i) for testing or experimentation authorized by the Secretary; and
 - (ii) by a federally licensed gun manufacturer, dealer, or importer;
- (2) the sale, transfer, or possession of an antique firearm;
- (3) an unserviceable firearm sold, transferred, or possessed as a curio or museum piece;
- (4) law enforcement personnel of any unit of the federal government, members of the armed forces of the United States or the National Guard, or law enforcement personnel of the State or any local agency in the State, while those personnel or members are acting within the scope of their official duties;
- (5) a regulated firearm modified to render it permanently inoperative;
- (6) purchases, sales, and transportation to or by a federally licensed gun manufacturer, dealer, or importer;
- (7) an organization that is required or authorized by federal law governing its specific business or activity to maintain firearms;
- (8) the receipt of a regulated firearm by inheritance, if the heir forwards to the Secretary a completed application to purchase or transfer that regulated firearm; or
- (9) a signal pistol or other visual distress signal that the United States Coast Guard approves as a marine safety device.

§ 5-103. Effect of subtitle. This subtitle does not affect:

- (1) a sale or transfer for bona fide resale of a regulated firearm in the ordinary course of business of a licensee; or
- (2) a sale, rental, transfer, or the use of a regulated firearm by a person authorized or required to do so as part of the person's duties as a member of:
 - (i) an official police force or other law enforcement agency;
 - (ii) the armed forces of the United States, including all official reserve organizations; or
 - (iii) the Maryland National Guard.

§ 5-104. Preemption by State. This subtitle supersedes any restriction that a local jurisdiction in the State imposes on a sale of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the sale of a regulated firearm.

§ 5-106. Dealer's license

(a) Required. – A person must lawfully possess a dealer's license issued by the Secretary before the person engages in the business of selling, renting, or transferring regulated firearms.

(b) One license for each place of business. – One dealer's license is required for each place of business where regulated firearms are sold.

§ 5-107. Application for dealer's license

(a) In general. –

- (1) An applicant for a dealer's license shall:
 - (i) submit to the Secretary an application on the form that the Secretary provides; and
 - (ii) pay to the Secretary an application fee of \$50, payable to the Comptroller.
 - (2) A refund or proration of the application fee is prohibited.
- (b) Required information.** – An application for a dealer's license shall contain:
- (1) the applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, and signature;
 - (2) a clear and recognizable photograph of the applicant, unless the photograph has been submitted with a prior year's application;
 - (3) a set of the applicant's fingerprints, unless the fingerprints have been submitted with a prior year's application; and
 - (4) a statement by the applicant that the applicant:
 - (i) is a citizen of the United States;
 - (ii) is at least 21 years old;
 - (iii) has never been convicted of a disqualifying crime;
 - (iv) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
 - (v) is not a fugitive from justice;

(vi) is not a habitual drunkard;

(vii) is not addicted to a controlled dangerous substance or is not a habitual user; and

(viii) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application is attached to the application, certifying that the applicant is capable of possessing a regulated firearm without undue danger to the applicant or to another.

(c) Required warning. – Each application for a dealer's license shall contain the following statement: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than \$5,000 or both."

(d) Application of corporation. – If an applicant is a corporation, a corporate officer who is a resident of the State shall complete and execute the application.

§ 5-108. Criminal history records check

(a) "Central Repository" defined. – In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) Application required. – The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a dealer's license.

(c) Contents of application. – As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(1) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(d) Information forwarded to applicant and State Police. – In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history record information.

(e) Restrictions on information. – Information obtained from the Central Repository under this section:

(1) is confidential and may not be disseminated; and

(2) shall be used only for the licensing purpose authorized by this section.

(f) Subject may contest contents. – The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

§ 5-109. Investigation of applicant for dealer's license. The Secretary shall conduct an investigation to determine the truth or falsity of the information supplied and the statements made in an application for a dealer's license.

§ 5-110. Disapproval of dealer's license application

(a) Grounds. – The Secretary shall disapprove an application for a dealer's license if:

(1) the Secretary determines that the applicant supplied false information or made a false statement;

(2) the Secretary determines that the application is not properly completed;

(3) the Secretary receives a written notification from the applicant's licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another; or

(4) the Secretary determines that the applicant intends that a person who is not eligible to be issued a dealer's license or whose dealer's license has been revoked or suspended:

(i) will participate in the management or operation of the business for which the license is sought; or

(ii) holds a legal or equitable interest in the business for which the license is sought.

(b) Notice. – If the Secretary disapproves an application for a dealer's license, the Secretary shall notify the applicant in writing of:

(1) the disapproval of the application; and

(2) the reason the application was denied.

(c) Effect of disapproval. – A person whose application for a dealer's license has been disapproved may not engage in the business of selling, renting, or transferring regulated firearms, unless the disapproval has been subsequently withdrawn by the Secretary or overruled by a court in accordance with subsection (d) of this section.

(d) Appeal. –

(1) An applicant who is aggrieved because the Secretary has disapproved the application for a dealer's license may appeal to the circuit court of the county where the applicant's place of business is to be located.

(2) The appeal must be filed not later than 30 days after the Secretary mails notification of disapproval to the applicant.

(3) If the appeal is properly and timely filed, the court shall affirm or reverse the disapproval of the Secretary depending on whether the court finds that:

(i) the applicant supplied false information or made a false statement; or

(ii) the application was not properly completed.

(4) The Secretary or the applicant may appeal the decision of the circuit court to the Court of Special Appeals.

§ 5-111. Term of dealer's license

(a) In general. – Unless a dealer's license is renewed for a 1-year term as provided in this section, a dealer's license expires on the first June 30 after its effective date.

(b) Applications for renewal. –

- (1) Before a dealer's license expires, the licensee periodically may renew it for an additional 1-year term, if the licensee:
 - (i) is otherwise entitled to be licensed;
 - (ii) pays to the Secretary a renewal fee of \$25, payable to the Comptroller; and
 - (iii) submits to the Secretary a renewal application on the form that the Secretary provides.
- (2) A refund or proration of the renewal fee is prohibited.

§ 5-112. Nontransferability of dealer's license; new place of business

(a) Nontransferability of dealer's license. – A dealer's license is not transferable.

(b) Notice to Secretary of new place of business. – Before moving a place of business, a licensee shall inform the Secretary and surrender the dealer's license.

(c) New dealer's license for new place of business. – If a cause to revoke the dealer's license does not exist, the Secretary shall issue a new dealer's license without charge covering the new place of business for the rest of the term of the surrendered dealer's license.

§ 5-113. Display of dealer's license

(a) Required. – A licensee shall display conspicuously the dealer's license and any other license required by law at the licensee's place of business.

(b) Identification of licensee and location. – The dealer's license shall identify the licensee and the location of the licensee's place of business.

§ 5-114. Suspensions and revocations – Grounds; notice; effect

(a) Suspensions. –

- (1) The Secretary shall suspend a dealer's license if the licensee:
 - (i) is under indictment for a crime of violence; or
 - (ii) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm.
- (2) (i) The Secretary may suspend a dealer's license if the licensee is not in compliance with the record keeping and reporting requirements of § 5-145 of this subtitle.
 - (ii) The Secretary may lift a suspension under this paragraph after the licensee provides evidence that the record keeping violation has been corrected.

(b) Revocations. – The Secretary shall revoke a dealer's license if:

- (1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or
- (2) the licensee:
 - (i) is convicted of a disqualifying crime;
 - (ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;
 - (iii) is a fugitive from justice;
 - (iv) is a habitual drunkard;
 - (v) is addicted to a controlled dangerous substance or is a habitual user;
 - (vi) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;
 - (vii) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5-406 of this title; or
 - (viii) has knowingly or willfully participated in a straw purchase of a regulated firearm.

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

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

§ 5-115. Suspensions and revocations – Hearings

(a) Right to hearing. –

(1) A person whose dealer's license is suspended or revoked or who is fined for a violation of this subtitle and who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) Application of contested case provisions. – The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

§ 5-116. Judicial review

(a) Stay of revocation. – A revocation may not take effect while an appeal is pending.

(b) Application of contested case provisions. – Any subsequent judicial review shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

§ 5-117. Application for regulated firearm required. A person must submit a firearm application in accordance with this subtitle before the person purchases, rents, or transfers a regulated firearm.

§ 5-117.1. Handgun qualification license required for purchase of handguns.

(a) Exclusions. – This section does not apply to:

- (1) a licensed firearms manufacturer;
- (2) a law enforcement officer or person who is retired in good standing from service with a law enforcement agency of the United States, the State, or a local law enforcement agency of the State;
- (3) a member or retired member of the armed forces of the United States or the National Guard; or
- (4) a person purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

(b) In general. – A dealer or any other person may not sell, rent, or transfer a handgun to a purchaser, lessee, or transferee unless the purchaser, lessee, or transferee presents to the dealer or other person a valid handgun qualification license issued to the purchaser, lessee, or transferee by the Secretary under this section.

(c) Requirements. – A person may purchase, rent, or receive a handgun only if the person:

(1) (i) possesses a valid handgun qualification license issued to the person by the Secretary in accordance with this section;

(ii) possesses valid credentials from a law enforcement agency or retirement credentials from a law enforcement agency;

(iii) is an active or retired member of the armed forces of the United States or the National Guard and possesses a valid military identification card; or

(iv) is purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) is not otherwise prohibited from purchasing or possessing a handgun under State or federal law.

(d) Qualifications for license. – Subject to subsections (f) and (g) of this section, the Secretary shall issue a handgun qualification license to a person who the Secretary finds:

(1) is at least 21 years old;

(2) is a resident of the State;

(3) except as provided in subsection (e) of this section, has demonstrated satisfactory completion, within 3 years prior to the submission of the application, of a firearms safety training course approved by the Secretary that includes:

(i) a minimum of 4 hours of instruction by a qualified handgun instructor;

(ii) classroom instruction on:

1. State firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation; and

(iii) a firearms orientation component that demonstrates the person's safe operation and handling of a firearm; and

(4) based on an investigation, is not prohibited by federal or State law from purchasing or possessing a handgun.

(e) Waiver of training course. – An applicant for a handgun qualification license is not required to complete a firearms safety training course under subsection (d) of this section if the applicant:

(1) has completed a certified firearms training course approved by the Secretary;

(2) has completed a course of instruction in competency and safety in the handling of firearms prescribed by the Department of Natural Resources under § 10-301.1 of the Natural Resources Article;

(3) is a qualified handgun instructor;

(4) is an honorably discharged member of the armed forces of the United States or the National Guard;

(5) is an employee of an armored car company and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; or

(6) lawfully owns a regulated firearm.

(f) State and national criminal history records check for each applicant. –

(1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a handgun qualification license.

(3) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(i) a complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4) The Central Repository shall provide a receipt to the applicant for the fees paid in accordance with paragraph (3)(ii) and (iii) of this subsection.

(5) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history information.

(6) Information obtained from the Central Repository under this section:

(i) is confidential and may not be disseminated; and

(ii) shall be used only for the licensing purpose authorized by this section.

(7) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Department of State Police Licensing Division a revised printed statement of the applicant's or licensee's State criminal history record.

(g) Application; fee; other documentation. – An applicant for a handgun qualification license shall submit to the Secretary:

(1) an application in the manner and format designated by the Secretary;

(2) a nonrefundable application fee to cover the costs to administer the program of up to \$50;

(3) (i) proof of satisfactory completion of:

1. a firearms safety training course approved by the Secretary; or

2. a course of instruction in competency and safety in the handling of firearms prescribed by the Department of Natural Resources under § 10-301.1 of the Natural Resources Article; or

(ii) a valid firearms instructor certification;

(4) any other identifying information or documentation required by the Secretary; and

(5) a statement made by the applicant under the penalty of perjury that the applicant is not prohibited under federal or State law from possessing a handgun.

(h) Issuance of handgun qualification license. –

(1) Within 30 days after receiving a properly completed application, the Secretary shall issue to the applicant:

(i) a handgun qualification license if the applicant is approved; or

(ii) a written denial of the application that contains:

1. the reason the application was denied; and

2. a statement of the applicant's appeal rights under subsection (l) of this section.

(2) (i) An individual whose fingerprints have been submitted to the Central Repository, and whose application has been denied, may request that the record of the fingerprints be expunged by obliteration.

(ii) Proceedings to expunge a record under this paragraph shall be conducted in accordance with § 10-105 of the Criminal Procedure Article.

(iii) On receipt of an order to expunge a fingerprint record, the Central Repository shall expunge by obliteration the fingerprints submitted as part of the application process.

(iv) An individual may not be charged a fee for the expungement of a fingerprint record in accordance with this paragraph.

(i) Expiration. – A handgun qualification license issued under this section expires 10 years from the date of issuance.

(j) Renewal of handgun qualification license. –

(1) The handgun qualification license may be renewed for successive periods of 10 years each if, at the time of an application for renewal, the applicant:

(i) possesses the qualifications for the issuance of the handgun qualification license; and

(ii) submits a nonrefundable application fee to cover the costs to administer the program up to \$20.

(2) An applicant renewing a handgun qualification license under this subsection is not required to:

(i) complete the firearms safety training course required in subsection (d)(3) of this section; or

(ii) submit to a State and national criminal history records check as required in subsection (f) of this section.

(k) Revocation. –

(1) The Secretary may revoke a handgun qualification license issued or renewed under this section on a finding that the licensee no longer satisfies the qualifications set forth in subsection (d) of this section.

(2) A person holding a handgun qualification license that has been revoked by the Secretary shall return the license to the Secretary within 5 days after receipt of the notice of revocation.

(l) Denial or revocation of license – Hearing. –

(1) A person whose original or renewal application for a handgun qualification license is denied or whose handgun qualification license is revoked, may submit a written request to the Secretary for a hearing within 30 days after the date the written notice of the denial or revocation was sent to the aggrieved person.

(2) A hearing under this section shall be granted by the Secretary within 15 days after the request.

(3) A hearing and any subsequent proceedings of judicial review under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(4) A hearing under this section shall be held in the county of the legal residence of the aggrieved person.

(m) Replacement of lost or stolen licenses. –

(1) If an original or renewal handgun qualification license is lost or stolen, a person may submit a written request to the Secretary for a replacement license.

(2) Unless the applicant is otherwise disqualified, the Secretary shall issue a replacement handgun qualification license on receipt of a written request and a nonrefundable fee to cover the cost of replacement up to \$20.

(n) Regulations. – The Secretary may adopt regulations to carry out the provisions of this section.

§ 5-118. Firearm application

(a) In general. – A firearm applicant shall:

(1) submit to a licensee or designated law enforcement agency a firearm application on the form that the Secretary provides; and

(2) pay to the licensee or designated law enforcement agency an application fee of \$10.

(b) Required information. – A firearm application shall contain:

(1) the firearm applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver's or photographic identification soundex number, occupation, and regulated firearm information for each regulated firearm to be purchased, rented, or transferred;

(2) the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor;

(3) a statement by the firearm applicant under the penalty of perjury that the firearm applicant:

(i) is at least 21 years old;

(ii) has never been convicted of a disqualifying crime;

(iii) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(iv) is not a fugitive from justice;

(v) is not a habitual drunkard;

(vi) is not addicted to a controlled dangerous substance or is not a habitual user;

(vii) does not suffer from a mental disorder as defined in § 10-101(i)(2) of the Health - General Article and have a history of violent behavior against the firearm applicant or another;

(viii) has never been found incompetent to stand trial under § 3-106 of the Criminal Procedure Article;

(ix) has never been found not criminally responsible under § 3-110 of the Criminal Procedure Article;

(x) has never been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10-101 of the Health - General Article;

(xi) has never been involuntarily committed to a facility as defined in § 10-101 of the Health - General Article

(xii) is not 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;

(xiii) is not a respondent against whom:

1. a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article; or

2. 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; and

(xiv) if under the age of 30 years at the time of application, has not been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult; and

(4) a copy of the applicant's handgun qualification license.

(c) Required warning. – Each firearm application shall contain the following statement: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than \$5,000, or both."

(d) Firearm application of corporation. – If the firearm applicant is a corporation, a corporate officer who is a resident of the State shall complete and execute the firearm application.

§ 5-120. Copies of firearm application; fees

(a) Copy to Secretary. –

(1) On receipt of a firearm application, a licensee or designated law enforcement agency shall promptly forward one copy of it to the Secretary by electronic means approved by the Secretary.

(2) The copy of the firearm application forwarded to the Secretary shall contain the name, address, and signature of the prospective seller, lessor, or transferor.

(b) Other copies. –

(1) The prospective seller, lessor, or transferor shall keep one copy of the firearm application for not less than 3 years.

(2) The firearm applicant is entitled to a copy of the firearm application.

(c) Fees. – The licensee or designated law enforcement agency shall forward the \$10 application fee with the firearm application to the Secretary.

§ 5-121. Investigation of firearm applicant

(a) Secretary to conduct investigation. – On receipt of a firearm application, the Secretary shall conduct an investigation promptly to determine the truth or falsity of the information supplied and statements made in the firearm application.

(b) Request for assistance. – In conducting an investigation under this subsection, the Secretary may request the

assistance of the Police Commissioner of Baltimore City, the chief of police in any county maintaining a police force, or the sheriff in a county not maintaining a police force.

§ 5-122. Disapproval of firearm application

(a) Grounds. – The Secretary shall disapprove a firearm application if:

- (1) the Secretary determines that the firearm applicant supplied false information or made a false statement;
- (2) the Secretary determines that the firearm application is not properly completed; or
- (3) the Secretary receives written notification from the firearm applicant's licensed attending physician that the firearm applicant suffers from a mental disorder and is a danger to the firearm applicant or to another.

(b) Notice. –

(1) If the Secretary disapproves a firearm application, the Secretary shall notify the prospective seller, lessor, or transferor in writing of the disapproval within 7 days after the date that the executed firearm application is forwarded to the Secretary by certified mail or facsimile machine.

(2) After notifying the prospective seller, lessor, or transferor under paragraph (1) of this subsection, the Secretary shall notify the prospective purchaser, lessee, or transferee in writing of the disapproval.

(3) The date when the prospective seller, lessor, or transferor forwards the executed firearm application to the Secretary by certified mail or by facsimile machine is the first day of the 7-day period allowed for notice of disapproval to the prospective seller, lessor, or transferor.

§ 5-123. Time for licensee to complete transactions

(a) Seven-day waiting period. – A licensee may not sell, rent, or transfer a regulated firearm until after 7 days following the time a firearm application is executed by the firearm applicant, in triplicate, and the original is forwarded by the prospective seller or transferor to the Secretary.

(b) Completion required in 90 days. – A licensee shall complete the sale, rental, or transfer of a regulated firearm within 90 days after the firearm application was stamped by the Secretary as not being disapproved.

(c) Incomplete transactions. –

(1) If the sale, rental, or transfer of a regulated firearm is not completed within 90 days after the firearm application was stamped by the Secretary as not being disapproved, a licensee shall return the firearm application to the Secretary within 7 days.

(2) The Secretary shall void a firearm application returned under paragraph (1) of this subsection as an incomplete sale, rental, or transfer.

(d) Notification of completed transaction. –

(1) (i) A licensee who sells, rents, or transfers a regulated firearm in compliance with this subtitle shall forward a copy of the written notification of the completed transaction to the Secretary within 7 days after delivery of the regulated firearm.

(ii) The notification shall contain an identifying description of the regulated firearm, including its caliber, make, model, any manufacturer's serial number, and any other special or peculiar characteristic or marking by which the regulated firearm may be identified.

(2) The Secretary shall maintain a permanent record of all notifications received of completed sales, rentals, and transfers of regulated firearms in the State.

§ 5-124. Secondary transactions

(a) Seven-day waiting period. –

(1) A person who is not a licensee may not sell, rent, transfer, or purchase a regulated firearm until after 7 days following the time a firearm application is executed by the firearm applicant, in triplicate, and the original is forwarded by a licensee to the Secretary.

(2) As an alternative to completing a secondary sale of a regulated firearm through a licensee, a prospective seller, lessor, or transferor and a prospective purchaser, lessee, or transferee may complete the transaction through a designated law enforcement agency.

(b) Processing fee. – A firearm applicant for a secondary sale of a regulated firearm through a licensee shall pay to the licensee a processing fee not exceeding \$20.

(c) Completion required in 90 days. – A person shall complete the sale, rental, or transfer of a regulated firearm within 90 days after the firearm application was stamped by the Secretary as not being disapproved.

(d) Incomplete transactions. –

(1) If the sale, rental, or transfer of a regulated firearm is not completed within 90 days after the firearm application was stamped by the Secretary as not being disapproved, a person shall return the firearm application to the Secretary within 7 days.

(2) The Secretary shall void a firearm application returned under paragraph (1) of this subsection as an incomplete sale, rental, or transfer.

(e) Notification of completed transaction. –

(1) (i) A person who sells, rents, or transfers a regulated firearm in compliance with this subtitle shall forward a copy of the written notification of the completed transaction to the Secretary within 7 days after delivery of the regulated firearm.

(ii) The notification shall contain an identifying description of the regulated firearm, including its caliber, make, model, any manufacturer's serial number, and any other special or peculiar characteristic or marking by which the regulated firearm may be identified.

(2) The Secretary shall maintain a permanent record of all notifications received of completed sales, rentals, and transfers of regulated firearms in the State.

§ 5-125. Approved, on hold, and disapproved applications

(a) Approved applications. – An approved firearm application is valid only for the purchase, rental, or transfer of the regulated firearm listed in the firearm application.

(b) On hold and disapproved applications. – 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.

§ 5-126. Hearings

(a) Right to hearing. –

(1) A firearm applicant who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the firearm applicant under § 5-122 of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) Application of contested case provisions. – The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) Venue. – The hearing shall be held in the county of the legal residence of the firearm applicant.

§ 5-127. Judicial review. Any subsequent judicial review shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

§ 5-128. Purchases within 30 days – In general

(a) Scope of subsection. – 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) One purchase limit. – A person may not purchase more than one regulated firearm in a 30-day period.

(c) On hold and disapproved applications. – 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) Penalty. – 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 or both.

§ 5-129. Purchases within 30 days – Multiple purchases allowed

(a) Requirements. – 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

(iv) the purchase is for other purposes similar to items (i) through (iii) of this item.

(b) Application. –

(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) **Background investigation.** – 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) **Penalty.** – 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 or both.

§ 5-130. Gun shows

(a) **"Gun show" defined.** – In this section, "gun show" means any organized gathering open to the public at which any firearm is displayed.

(b) **Scope of section.** – Subsections (c) through (h) of this section do not apply to a licensee.

(c) **Temporary transfer permit required.** – A person must obtain a temporary transfer permit issued by the Secretary before the person displays a regulated firearm for sale or transfer from a table or fixed display at a gun show.

(d) **Application for temporary transfer permit.** –

(1) An applicant for a temporary transfer permit shall:

(i) submit to the Secretary an application on the form that the Secretary provides; and

(ii) pay to the Secretary a fee of \$10 for each calendar year.

(2) Each additional temporary transfer permit during the same calendar year shall be issued without charge.

(e) **Required information.** – The application for a temporary transfer permit shall contain any information that is necessary for the Secretary to conduct a computer background investigation.

(f) **Required warning.** – Each application for a temporary transfer permit shall contain the following statement: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years or a fine not more than \$5,000 or both."

(g) **Investigation of application; grounds for disapproval.** –

(1) The Secretary shall conduct an investigation to determine the truth or falsity of the information supplied and the statements made in the application for a temporary transfer permit.

(2) If there is no reason to disapprove the application for a temporary transfer permit, the Secretary shall issue the permit within 7 days after the date of application.

(3) The Secretary shall disapprove an application for a temporary transfer permit if the Secretary determines that:

(i) the applicant supplied false information or made a false statement; or

(ii) the application is not properly completed.

(4) If the Secretary disapproves an application for a temporary transfer permit, the Secretary shall notify the applicant in writing of the disapproval.

(h) **Label and display.** –

(1) A temporary transfer permit shall be clearly labeled "temporary" and shall include the statement: "This is not a license to engage in the business of selling firearms."

(2) The temporary transfer permit shall be placed in public view as part of any display of a regulated firearm.

(i) **Five permit limit.** –

(1) A person may not receive more than five temporary transfer permits during a single calendar year.

(2) To display a regulated firearm for sale, trade, or transfer at more than 5 gun shows in a calendar year, a person shall obtain a dealer's license under this subtitle.

(j) **Sale or transfer of regulated firearm.** – A sale or transfer of a regulated firearm from a table or fixed display at a gun show is governed by §§ 5-103, 5-104, 5-117 through 5-129, and 5-136 of this subtitle.

§ 5-132. Handgun safety devices

(a) **Definitions.** –

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

(2) **"Authorized user"** means the owner of a handgun or a person authorized by the owner to possess and use the handgun.

(3) **"External safety lock"** means an external device that is:

(i) attached to a handgun with a key or combination lock; and

(ii) designed to prevent a handgun from being discharged unless the device has been deactivated.

(4) **"Handgun"** does not include a signal, starter, or blank pistol.

(5) **"Handgun Roster Board"** means the Handgun Roster Board established under § 5-404 of this title.

(6) **"Integrated mechanical safety device"** means a disabling or locking device that is:

(i) built into a handgun; and

(ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(7) **"Personalized handgun"** means a handgun manufactured with incorporated design technology that:

(i) allows the handgun to be fired only by the authorized user; and

(ii) prevents any of the safety characteristics of the handgun from being readily deactivated.

(b) Scope of section. – This section does not apply to:

(1) the purchase, sale, or transportation of a handgun to or by a federally licensed gun dealer or manufacturer that provides or services a handgun for:

(i) personnel of any unit of the federal government;

(ii) members of the armed forces of the United States or the National Guard;

(iii) law enforcement personnel of the State or any local law enforcement agency in the State while acting within the scope of their official duties; and

(iv) an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition;

(2) a firearm modified to be permanently inoperative;

(3) the sale or transfer of a handgun by a federally licensed gun dealer or manufacturer covered under item (1) of this subsection;

(4) the sale or transfer of a handgun by a federally licensed gun dealer or manufacturer to a lawful customer outside the State; or

(5) an antique firearm.

(c) Restriction on sale, rent, or transfer of handguns. –

(2) On or after January 1, 2003, a dealer may not sell, offer for sale, rent, or transfer in the State a handgun manufactured on or after January 1, 2003, unless the handgun has an integrated mechanical safety device.

(d) Report. –

(1) The Handgun Roster Board annually shall:

(i) review the status of personalized handgun technology; and

(ii) on or before July 1, report its findings to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

(2) In reviewing the status of personalized handgun technology under paragraph (1) of this subsection, the Handgun Roster Board shall consider:

(i) the number and variety of models and calibers of personalized handguns that are available for sale;

(ii) each study, analysis, or other evaluation of personalized handguns conducted or commissioned by:

1. the National Institute of Justice;

2. a federal, State, or local law enforcement laboratory; or

3. any other entity with an expertise in handgun technology; and

(iii) any other information that the Handgun Roster Board considers relevant.

§ 5-133. Restrictions on possession of regulated firearms

(a) Preemption by State. – This section supersedes any restriction that a local jurisdiction in the State imposes on the possession by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession of a regulated firearm.

(b) Possession of regulated firearm prohibited. – Subject to § 5-133.3 of this subtitle, a person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

(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;

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

(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 (e) 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) Penalty for possession by person convicted of crime of violence. –

(1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence;

(ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article; or
(iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.

(2) (i) Subject to paragraph (3) of this subsection, a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years.

(ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(iii) Except as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(3) At the time of the commission of the offense, if a period of more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment, mandatory supervision, probation, and parole:

(i) the imposition of the mandatory minimum sentence is within the discretion of the court; and

(ii) the mandatory minimum sentence may not be imposed unless the State's Attorney notifies the person in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4) Each violation of this subsection is a separate crime.

(d) Possession by person under age of 21 years prohibited; exceptions. –

(1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm.

(2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:

(i) the temporary transfer or possession of a regulated firearm if the person is:

1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and

2. acting with the permission of the parent or legal guardian of the transferee or person in possession;

(ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;

(iii) a member of the armed forces of the United States or the National Guard while performing official duties;

(iv) the temporary transfer or possession of a regulated firearm if the person is:

1. participating in marksmanship training of a recognized organization; and

2. under the supervision of a qualified instructor;

(v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or

(vi) the possession of a firearm for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

(e) Exception if carrying civil protective order. – This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protective order requiring the surrender of the regulated firearm and:

(1) the regulated firearm is unloaded;

(2) the respondent has notified the law enforcement unit, barracks, or station that the regulated firearm is being transported in accordance with the civil protective order; and

(3) the respondent transports the regulated firearm directly to the law enforcement unit, barracks, or station.

§ 5-133.1. Restrictions on possession of ammunition.

(a) "Ammunition" defined. – 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) In general. – 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) Penalty. – 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 or both.

§ 5-133.2. Reporting by courts or health facilities.

(a) Definitions. –

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

(2) "**Facility**" has the meaning stated in § 10-101 of the Health - General Article.

(3) "**NICS Index**" means the Federal Bureau of Investigation's National Instant Criminal Background Check System.

(b) Reporting by courts. –

(1) A court shall promptly report information required in paragraph (2) of this subsection through a secure data portal approved by the Department of Public Safety and Correctional Services if a court:

(i) determines that a person is not criminally responsible under § 3-110 of the Criminal Procedure Article;

(ii) finds that a person is incompetent to stand trial under § 3-106 of the Criminal Procedure Article; or

(iii) finds under § 13-201(c) or § 13-705 of the Estates and Trust Article that a person should be under the protection of a guardian, except for cases in which the appointment of a guardian is solely a result of a physical disability.

(2) On a finding or determination under paragraph (1) of this subsection, the following information shall be reported to the NICS Index:

(i) the name and identifying information of the person; and

(ii) the date of the determination or finding.

(c) Reports of admissions to health facilities. –

(1) A facility shall report information required in paragraph (2) of this subsection regarding a person admitted to the facility under § 10-609 of the Health - General Article or committed to the facility under Title 10, Subtitle 6, Part III of the Health - General Article to the NICS Index through a secure data portal approved by the Department of Public Safety and Correctional Services, if:

(i) the person has been admitted to a facility for 30 consecutive days or more; or

(ii) the person has been involuntarily committed to a facility.

(2) On admission to a facility the following information shall be reported to the NICS Index:

(i) the name and identifying information of the person admitted or committed;

(ii) the date the person was admitted or committed to the facility; and

(iii) the name of the facility to which the person was admitted or committed.

§ 5-133.3. Relief from firearms disqualification.

(a) "Health Department" defined. – In this section, "Health Department" means the Department of Health and Mental Hygiene.

(b) In general. – A person subject to a regulated firearms disqualification under § 5-133(b)(6), (7), (8), (9), (10), or (11) of this subtitle, a rifle or shotgun disqualification under § 5-205(b)(6), (7), (8), (9), (10), or (11) of this title, or prohibited from the shipment, transportation, possession, or receipt of a firearm by 18 U.S.C. §§ 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in the State may be authorized to possess a firearm if:

(1) the person is not subject to another firearms restriction under State or federal law; and

(2) the Health Department, in accordance with this section, determines that the person may possess a firearm.

(c) Application. – A person who seeks relief from a firearms disqualification shall file an application with the Health Department in the form and manner set by the Health Department.

(d) Required information. – An application for relief from a firearms disqualification shall include:

(1) a complete and accurate statement explaining the reason why the applicant is prohibited from possessing a regulated firearm under § 5-133(b)(6), (7), (8), (9), (10), or (11) of this subtitle or a rifle or shotgun under § 5-205(b)(6), (7), (8), (9), (10), or (11) of this title, or is prohibited from the shipment, transportation, possession, or receipt of a firearm by 18 U.S.C. §§ 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in the State;

(2) a statement why the applicant should be relieved from the prohibition described in item (1) of this subsection;

(3) if the applicant is subject to a prohibition described in item (1) of this subsection, a certificate issued within 30 days of the submission of the application on a form approved by the Health Department and signed by an individual licensed in the State as a physician who is board certified in psychiatry or as a psychologist stating:\

(i) the length of time that the applicant has not had symptoms that cause the applicant to be a danger to the applicant or others, or, if the disqualification relates to an intellectual disability, the length of time that the applicant has not engaged in behaviors that cause the applicant to be a danger to the applicant or others;

(ii) the length of time that the applicant has been compliant with the treatment plan for the applicant's mental illness, or, if the disqualification relates to an intellectual disability, the length of time that the applicant has been compliant with any behavior plan or behavior management plan;

(iii) an opinion as to whether the applicant, because of mental illness, would be a danger to the applicant if allowed to possess a firearm and a statement of reasons for the opinion; and

(iv) an opinion as to whether the applicant, because of mental illness, would be a danger to another person or poses a risk to public safety if allowed to possess a firearm;

(4) if the applicant is prohibited from possessing a firearm under § 5-133(b)(11) of this subtitle or § 5-205(b)(11) of this title:

(i) a copy of all pleadings, affidavits, and certificates submitted into evidence at the guardianship proceeding; and

(ii) all orders issued by the court relating to the guardianship, including, if applicable, an order indicating that the guardianship is no longer in effect;

(5) a signed authorization, on a form approved by the Health Department, allowing the Health Department to access any relevant health care, mental health, disability, guardianship, and criminal justice records, including court ordered or required mental health records, of the applicant for use in determining whether the applicant should be relieved from a firearms disqualification;

(6) three statements signed and dated within 30 days of submission to the Health Department on a form designated by the Health Department attesting to the applicant's reputation and character relevant to firearm ownership or possession including:

(i) at least two statements provided by an individual who is not related to the applicant; and

(ii) contact information for each individual providing a statement; and

(7) any other information required by the Health Department.

(e) Grounds for denial of application. – The Health Department may not approve an application under this section if a determination is made that:

(1) the applicant supplied incomplete or false information or made a false statement;

(2) the application is not properly completed; or

(3) on review of the application and supporting documentation and any other information relating to the application requested by the Health Department, including any criminal history records and mental health records of the applicant, the applicant has not shown by a preponderance of the evidence that the applicant will be unlikely to act in a manner dangerous to the applicant or to public safety and that granting a license to possess a regulated firearm or authorizing the possession of a rifle or shotgun would not be contrary to the public interest.

(f) Approval. –

(1) If the Health Department determines that the application shall be approved, the Health Department shall provide the applicant with a certificate affirming the applicant's mental competence to possess a firearm.

(2) A certificate provided under paragraph (1) of this subsection or a written statement that the individual is not mentally competent to possess a firearm shall be provided to the applicant within 60 days from the Health Department's receipt of a completed application, which includes any records necessary to review an application.

(3) A certificate issued under paragraph (1) of this subsection shall be presented to the Department of State Police as evidence of the applicant's eligibility to possess a firearm.

(g) Hearing on denial of application. –

(1) An applicant who is aggrieved by the action of the Health Department under subsection (e) of this section may request a hearing in writing to the Secretary of Health and Mental Hygiene within 30 days after the Health Department mails notice of the decision to the applicant.

(2) (i) The hearing requested under paragraph (1) of this subsection shall be held in accordance with Title 10, Subtitle 2 of the State Government Article within 60 days after the Health Department receives the request.

(ii) At the hearing, the information described in subsections (d) and (e) of this section shall be considered and used to determine whether the applicant, if allowed to possess a firearm, would not be likely to act in a manner dangerous to the public safety and whether granting the relief would not be contrary to the public interest.

(3) (i) Judicial review of the determination on an application under this section for relief from a firearms prohibition may be sought in accordance with §§ 10-222 and 10-223 of the State Government Article.

(ii) Notwithstanding the provisions of § 10-222 of the State Government Article, the circuit court may give deference to the final decision of the Health Department and may in its discretion receive additional evidence that it determines to be necessary to conduct an adequate review.

(i) Subsequent hearing within one year prohibited. – After a determination on the merits of a hearing requested under this section, an applicant may not request a subsequent hearing within 1 year after the completion of the hearing process and any judicial review of the administrative decision.

(j) Regulations. – The Secretary of Health and Mental Hygiene may adopt regulations establishing fees to cover the administrative costs associated with the implementation of this section.

(k) Immunity. – An individual licensed in the State as a physician who is board certified in psychiatry, or a psychologist who, in good faith and with reasonable grounds, acts in compliance with this section, may not be held civilly or criminally liable for actions authorized by this section.

§ 5-134. Restrictions on sale, rental, or transfer of regulated firearms

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

(b) Sale, rental, or transfer of regulated firearm prohibited. – A dealer or other person may not sell, rent, or transfer a regulated firearm to a purchaser, lessee, or transferee who the dealer or other person knows or has reasonable cause to believe:

- (1) is under the age of 21 years;
- (2) has been convicted of a disqualifying crime;
- (3) has been convicted of a conspiracy to commit a felony;
- (4) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
- (5) is a fugitive from justice;
- (6) is a habitual drunkard;
- (7) is addicted to a controlled dangerous substance or is a habitual user;
- (8) 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, or transferee or another, unless the purchaser, lessee, or transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, or transferee or to another;
- (9) has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health - General Article, unless the purchaser, lessee, or transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, or transferee or to another;
- (10) is a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article;
- (11) 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;
- (12) is visibly under the influence of alcohol or drugs;

- (13) is a participant in a straw purchase; or
 - (14) subject to subsection (c) of this section for a transaction under this subsection that is made on or after January 1, 2002, has not completed a certified firearms safety training course conducted free of charge by the Police Training Commission or that meets standards established by the Police Training Commission under § 3-207 of this article.
- (c) Exemption from certified firearms training course requirement.** – A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section if the person:
- (1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section;
 - (2) is a law enforcement officer of the State or any local law enforcement agency in the State;
 - (3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;
 - (4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or
 - (5) has been issued a permit to carry a handgun under Subtitle 3 of this title.

(d) Sale, rental, or transfer of regulated firearm to minor prohibited. –

- (1) A person may not sell, rent, or transfer:
 - (i) ammunition solely designed for a regulated firearm to a person who is under the age of 21 years; or
 - (ii) 1. a firearm other than a regulated firearm to a minor;
 - 2. ammunition for a firearm to a minor;
 - 4. another deadly weapon to a minor.
- (2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

§ 5-135. Regulated firearms subject to seizure. A regulated firearm that is sold, rented, transferred, possessed, received, or purchased in violation of this subtitle may be:

- (1) seized by a law enforcement agency as contraband; and
- (2) after a finding of guilt, disposed of in accordance with Title 13, Subtitle 2 of the Criminal Procedure Article.

§ 5-136. Straw purchases

(a) Scope of section. –

- (1) This section does not apply to a person who purchases a regulated firearm as a gift if:
 - (i) the regulated firearm is a gift to a resident of the State; and
 - (ii) 1. both the purchaser and recipient of the gift comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm; or
 - 2. if the gift is in the form of a gift certificate, only the recipient of the gift need comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm.
- (2) If the regulated firearm is a gift to the purchaser's spouse, parent, grandparent, grandchild, sibling, or child, the recipient shall:
 - (i) complete an application to purchase or transfer a regulated firearm; and
 - (ii) forward the application to the Secretary within 5 days after receipt of the regulated firearm.
- (3) The Secretary shall waive the \$10 application fee required under § 5-118(a)(2) of this subtitle for a gift purchased in accordance with this subsection.

(b) Prohibited. – A person may not knowingly or willfully participate in a straw purchase of a regulated firearm.

§ 5-137. Out-of-state purchases

(a) Requirements for purchase. – A person who seeks to own a regulated firearm and purchases the regulated firearm from an out-of-state federally licensed gun importer, manufacturer, or dealer shall:

- (1) have the federally licensed importer, manufacturer, or dealer ship the regulated firearm to a licensee for processing; and
- (2) comply with §§ 5-103, 5-104, 5-117 through 5-129, and 5-136 of this subtitle.

(b) Waiver of requirements. – If a person purchases a regulated firearm for use within the scope of the person's official duties, the Secretary may waive the 7-day waiting period under § 5-124 of this subtitle for:

- (1) law enforcement personnel of any unit of the federal government;
- (2) members of the armed forces of the United States or the National Guard; or
- (3) law enforcement personnel of the State or any local agency in the State.

§ 5-138. Sale, transfer, or disposal of stolen regulated firearm prohibited. A person may not possess, sell, transfer, or otherwise dispose of a stolen regulated firearm if the person knows or has reasonable cause to believe that the regulated firearm has been stolen.

§ 5-139. False information or misstatement in application

(a) Prohibited. – 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) Penalty. – 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 or both.

§ 5-140. Transporting regulated firearm for unlawful sale or trafficking

(a) Prohibited. – 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) Penalty. – 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 or both.

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

§ 5-141. Knowing participation in straw purchase

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

(b) Penalty. – 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 or both.

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

§ 5-142. Removal or alteration of identification mark or number on firearm

(a) Prohibited. – A person may not obliterate, remove, change, or alter the manufacturer's identification mark or number on a firearm.

(b) Presumption. – If on trial for a violation of this section possession of the firearm by the defendant is established, the defendant is presumed to have obliterated, removed, changed, or altered the manufacturer's identification mark or number on the firearm.

§ 5-143. Registration requirements for persons moving into State.

(a) In general. –

(1) A person who moves into the State with the intent of becoming a resident shall register all regulated firearms with the Secretary within 90 days after establishing residency.

(2) The Secretary shall prepare and, on request of an applicant, provide an application form for registration under this section.

(b) Required information in application. – An application for registration under this section shall contain:

(1) the make, model, manufacturer's serial number, caliber, type, barrel length, finish, and country of origin of each regulated firearm; and

(2) the firearm applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver's or photographic identification Soundex number, and occupation.

(c) Fee. – An application for registration filed with the Secretary of State Police shall be accompanied by a nonrefundable total registration fee of \$15, regardless of the number of firearms registered.

(d) Confidentiality. – Registration data provided under this section is not open to public inspection.

§ 5-144. Knowing participation in violation of subtitle

(a) Prohibited. – 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) Penalty. – 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 or both.

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

§ 5-145. Record keeping duties of licensed dealers.

(a) In general. –

(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) Submission of information to Secretary. –

(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) Discontinuance and succession of business.** – 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) Response required within 48 hours of request.** –
- (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) Availability of information to federal, State, or local law enforcement agency.** – 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) Inspections.** – **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) Penalties.** –
- (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 or both.
- (3) The penalties provided in this subsection are not intended to apply to inconsequential or inadvertent errors.

§ 5-146. Lost or stolen regulated firearms.

- (a) Dealer to inform purchasers of reporting requirements.** – 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) Duties of owner to report.** – 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) Duties of local law enforcement agency on receipt of report.** – 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) Violations; penalties.** –
- (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 or both.
- (e) Civil remedies or criminal prosecutions.** – 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.

Subtitle 2. Rifles and Shotguns

§ 5-201. Definitions

- (a) In general.** – In this subtitle the following words have the meanings indicated.
- (b) Rifle.** – "Rifle" has the meaning stated in § 4-201 of the Criminal Law Article.
- (c) Short-barreled rifle.** – "Short-barreled rifle" has the meaning stated in § 4-201 of the Criminal Law Article.
- (d) Short-barreled shotgun.** – "Short-barreled shotgun" has the meaning stated in § 4-201 of the Criminal Law Article.
- (e) Shotgun.** – "Shotgun" has the meaning stated in § 4-201 of the Criminal Law Article.

§ 5-202. Scope of subtitle. This subtitle does not apply to a short-barreled rifle or short-barreled shotgun that is:

- (1) an antique firearm as defined in § 4-201 of the Criminal Law Article;
- (2) a device designed or redesigned for use other than as a weapon;
- (3) a device designed or redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or
- (4) a firearm that cannot:
- (i) discharge a projectile by an explosive; and
- (ii) be readily restored to a firing condition.

§ 5-203. Possession of short-barreled rifle or short-barreled shotgun

(a) Prohibited. – 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) Burden of proof. – 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) Penalty. – 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 or both.

§ 5-204. Purchasers of rifles or shotguns

(a) "Adjacent state" defined. – In this section, "adjacent state" means Delaware, Pennsylvania, Virginia, or West Virginia.

(b) Resident of this State in adjacent state. – If a resident of this State is eligible to purchase a rifle or shotgun under the laws of an adjacent state, the resident may purchase a rifle or shotgun from a federally licensed gun dealer in the adjacent state.

(c) Resident of adjacent state in this State. – If a resident of an adjacent state is eligible to purchase a rifle or shotgun under the laws of this State, the resident may purchase a rifle or shotgun from a federally licensed gun dealer in this State.

§ 5-205. Disqualification for possession.

(a) Applicability. – 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) In general. – 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) Exemptions. – This section does not apply to 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:

- (1) the rifle or shotgun is unloaded;
- (2) 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
- (3) the person transports the rifle or shotgun directly to the law enforcement unit, barracks, or station.

(d) Penalty. – 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 or both.

(e) Relief from disqualification. – 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.

§ 5-206. Possession of rifle or shotgun prohibited

(a) In general. – A person may not possess a rifle or shotgun if the person was previously convicted of:

- (1) a crime of violence as defined in § 5-101 of this title;
- (2) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article; or
- (3) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (1) or (2) of this subsection if committed in this State.

(b) Penalty. – A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years.

(c) Violation is separate crime. – Each violation of this subsection is a separate crime.

Subtitle 3. Handgun Permits

§ 5-301. Definitions

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

(b) Board. – "Board" means the Handgun Permit Review Board.

(c) Handgun. – "Handgun" has the meaning stated in § 4-201 of the Criminal Law Article.

(d) Permit. – "Permit" means a permit issued by the Secretary to carry, wear, or transport a handgun.

(e) Qualified handgun instructor. – "Qualified handgun instructor" has the meaning stated in § 5-101 of this title.

(f) Secretary. – "Secretary" means the Secretary of State Police or the Secretary's designee.

§ 5-303. Permit required. A person shall have a permit issued under this subtitle before the person carries, wears, or transports a handgun.

§ 5-304. Application for permit

(a) Oath. – An application for a permit shall be made under oath.

(b) Fees – In general. –

(1) Subject to subsections (c) and (d) of this section, the Secretary may charge a nonrefundable fee payable when an application is filed for a permit.

(2) The fee may not exceed:

(i) \$75 for an initial application;

(ii) \$50 for a renewal or subsequent application; and

(iii) \$10 for a duplicate or modified permit.

(3) The fees under this subsection are in addition to the fees authorized under § 5-305 of this subtitle.

(c) Fees – Reduction. – The Secretary may reduce the fee under subsection (b) of this section accordingly for a permit that is granted for one day only and at one place only.

(d) Fees – Exceptions. – The Secretary may not charge a fee under subsection (b) of this section to:

(1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or

(2) a retired law enforcement officer of the State or a county or municipal corporation of the State.

(e) Fees – Method of payment. – The applicant may pay a fee under this section by a personal check, business check, certified check, or money order.

§ 5-305. Criminal history records check

(a) "Central Repository" defined. – In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) Application required. – Except as provided in subsection (g) of this section, the Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a permit.

(c) Contents of application. – As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(1) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(d) Information forwarded to applicant and State Police. – In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history record information.

(e) Restrictions on information. – Information obtained from the Central Repository under this section:

(1) is confidential and may not be disseminated; and

(2) shall be used only for the licensing purpose authorized by this section.

(f) Subject may contest contents. – The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

(g) Employee of armored car company. – For an employee of an armored car company who is an applicant for a permit, the Secretary may accept a criminal background investigation performed on behalf of the armored car company in place of the criminal history records check required by this section if:

(1) the criminal background investigation meets the minimum requirements established by the Department of State Police; and

(2) the Secretary performs a cursory check to verify the facts listed in the criminal background investigation.

§ 5-306. Qualifications for permit

(a) In general. – Subject to subsection (c) of this section, the Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:

- (1) is an adult;
- (2) (i) has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed; or
(ii) if convicted of a crime described in item (i) of this item, has been pardoned or has been granted relief under 18 U.S.C. § 925(c);
- (3) has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;
- (4) is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled dangerous substance is under legitimate medical direction;
- (5) except as provided in subsection (b) of this section, has successfully completed prior to application and each renewal, a firearms training course approved by the Secretary that includes:
 - (i) 1. for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor; or
2. for a renewal application, 8 hours of instruction by a qualified handgun instructor;
 - (ii) classroom instruction on:
 1. State firearm law;
 2. home firearm safety; and
 3. handgun mechanisms and operation; and
 - (iii) a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm; and
- (6) based on an investigation:
 - (i) has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or to another; and
 - (ii) has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger.

(b) Exemptions from training course. – An applicant for a permit is not required to complete a certified firearms training course under subsection (a) of this section if the applicant:

- (1) is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;
- (2) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;
- (3) is a qualified handgun instructor; or
- (4) has completed a firearms training course approved by the Secretary.

(c) Applicant under age of 30 years. – An applicant under the age of 30 years is qualified only if the Secretary finds that the applicant has not been:

- (1) committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or
- (2) adjudicated delinquent by a juvenile court for:
 - (i) an act that would be a crime of violence if committed by an adult;
 - (ii) an act that would be a felony in this State if committed by an adult; or
 - (iii) an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult.

(d) Issuance of handgun qualification license without additional application or fee. – The Secretary may issue a handgun qualification license, without an additional application or fee, to a person who:

- (1) meets the requirements for issuance of a permit under this section; and
- (2) does not have a handgun qualification license issued under § 5-117.1 of this title.

§ 5-307. Scope of permit

(a) In general. – A permit is valid for each handgun legally in the possession of the person to whom the permit is issued.

(b) Limitations. – The Secretary may limit the geographic area, circumstances, or times of the day, week, month, or year in which a permit is effective.

§ 5-308. Possession of permit required. A person to whom a permit is issued or renewed shall carry the permit in the person's possession whenever the person carries, wears, or transports a handgun.

§ 5-309. Term and renewal of permit

(a) Term of permit. – A permit expires on the last day of the holder's birth month following 2 years after the date the permit is issued.

(b) Renewal of permit. – A permit may be renewed for successive periods of 3 years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee stated in this subtitle.

§ 5-310. Revocations

(a) In general. – The Secretary may revoke a permit on a finding that the holder:

- (1) does not meet the qualifications described in § 5-306 of this subtitle; or
- (2) violated § 5-308 of this subtitle.

(b) Return of permit. – A holder of a permit that is revoked by the Secretary shall return the permit to the Secretary within 10 days after receipt of written notice of the revocation.

§ 5-311. Informal review of Secretary's action

(a) Request for informal review. – A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receipt of written notice of the Secretary's initial action.

(b) Personal interview. – An informal review:

- (1) may include a personal interview of the person who requested the informal review; and
- (2) is not subject to Title 10, Subtitle 2 of the State Government Article.

(c) Action by Secretary. – In an informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the person who requested the informal review of the decision in writing within 30 days after receipt of the request for informal review.

(d) Request for review by Board. – A person need not file a request for an informal review under this section before requesting review under § 5-312 of this subtitle.

§ 5-312. Action by Board

(a) Request for review authorized. –

(1) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Board to review the decision of the Secretary by filing a written request with the Board within 10 days after receipt of written notice of the Secretary's final action.

(2) A person whose application for a permit or renewal of a permit is not acted on by the Secretary within 90 days after submitting the application to the Secretary may request a hearing before the Board by filing a written request with the Board.

(b) Form of review. – Within 90 days after receiving a request to review a decision of the Secretary, the Board shall:

- (1) review the record developed by the Secretary; or
- (2) conduct a hearing.

(c) Evidence. – The Board may receive and consider additional evidence submitted by a party in conducting a review of the decision of the Secretary.

(d) Decision by Board. –

(1) Based on the Board's consideration of the record and any additional evidence, the Board shall sustain, reverse, or modify the decision of the Secretary.

(2) If the action by the Board results in the denial of a permit or renewal of a permit or the revocation or limitation of a permit, the Board shall submit in writing to the applicant or the holder of the permit the reasons for the action taken by the Board.

(e) Administrative procedures. –

(1) Any hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(2) Notwithstanding paragraph (1) of this subsection, a court may not order the issuance or renewal of a permit or alter a limitation on a permit pending a final determination of the proceeding.

§ 5-313. Failure to return revoked permit

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

(b) Penalty. – 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 or exceeding \$1,000 or both.

§ 5-314. Carrying, wearing, or transporting handgun while under influence of alcohol or drugs

(a) Prohibited. – 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) Penalty. – 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 or both.

Subtitle 4. Handgun Roster

§ 5-401. Definitions

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

(b) Board. – "Board" means the Handgun Roster Board.

(c) Handgun. –

(1) "Handgun" means a pistol, a revolver, or any other firearm capable of being concealed on the person.

(2) "Handgun" does not include a shotgun, a rifle, a short-barreled rifle, a short-barreled shotgun, or an antique firearm.

(d) Handgun roster. – "Handgun roster" means the roster of authorized handguns compiled by the Board under § 5-405

of this subtitle.

(e) Secretary. – "Secretary" means the Secretary of State Police or the Secretary's designee.

§ 5-402. Application of subtitle

(a) Manufacture and sale of weapons. – This subtitle does not affect a person's right to:

(1) manufacture, sell, or offer to sell a rifle or other weapon that is not defined as a handgun in § 4-201 of the Criminal Law Article;

(2) manufacture a prototype handgun model required for design, development, testing, and approval by the Board; and

(3) manufacture in this State a handgun that is not on the handgun roster by a federally licensed gun manufacturer who is also licensed as a regulated firearms dealer in this State for direct sale to a unit of:

(i) the federal government;

(ii) a state other than this State;

(iii) a local government in a state other than this State; or

(iv) a law enforcement agency in a state other than this State.

(b) Strict liability. –

(1) A person is not strictly liable for damages for injuries to another that result from the criminal use of a firearm by a third person.

(2) Paragraph (1) of this subsection does not apply if the person conspired with the third person to commit the criminal act in which the firearm was used or willfully aided, abetted, or caused the commission of the criminal act in which the firearm was used.

(3) This subtitle does not otherwise negate, limit, or modify the doctrine of negligence or strict liability that relates to abnormally dangerous products or activities and defective products.

§ 5-403. Regulations. The Secretary shall adopt regulations necessary to carry out this subtitle.

§ 5-404. Handgun Roster Board

(a) Established. – There is a Handgun Roster Board in the Department of State Police.

§ 5-405. Duties and procedures of Board

(a) Establishment and publication of roster. – The Board shall:

(1) compile and maintain a handgun roster of authorized handguns that are useful for legitimate sporting, self-protection, or law enforcement purposes;

(2) annually publish the handgun roster in the Maryland Register; and

(3) semiannually send a copy of the handgun roster to all persons who hold a State regulated firearm dealer's license under Subtitle 1 of this title.

(b) Criteria for placement on roster. – The Board shall consider carefully each of the following characteristics of a handgun without placing undue weight on any one characteristic in determining whether any handgun should be placed on the handgun roster:

(1) concealability;

(2) ballistic accuracy;

(3) weight;

(4) quality of materials;

(5) quality of manufacture;

(6) reliability as to safety;

(7) caliber;

(8) detectability by the standard security equipment that is commonly used at an airport or courthouse and that is approved by the Federal Aviation Administration for use at airports in the United States; and

(9) utility for legitimate sporting activities, self-protection, or law enforcement.

(c) Placement process. –

(1) The Board may place a handgun on the handgun roster on its own initiative.

(2) The Board shall place a handgun on the handgun roster on the successful petition of any person subject to subsections (d) and (e) of this section, unless a court, after all appeals are exhausted, has made a finding that the decision of the Board shall be affirmed.

(3) A petition to place a handgun on the handgun roster shall be submitted to the Board in writing in the form and manner that the Board requires.

(4) A person who petitions for placement of a handgun on the handgun roster has the burden of proving to the Board that the handgun should be placed on the handgun roster.

(d) Action of Board on petition. –

(1) Within 45 days after receipt of a petition to place a handgun on the handgun roster, the Board shall:

(i) deny the petition in writing, stating the reasons for denial; or

(ii) approve the petition and publish a description of the handgun in the Maryland Register, including notice that any objection to the handgun's inclusion on the handgun roster shall be filed with the Board within 30 days.

(2) If the Board fails to deny or approve a petition within the time required under paragraph (1) of this subsection, the petition shall be considered denied.

(e) Notice of denial; hearing; appeal. –

(1) If the Board denies a petition to place a handgun on the handgun roster, the Board shall notify the petitioner by certified mail, return receipt requested.

(2) The petitioner may request a hearing within 15 days after the date that the Board's denial letter is received.

(3) (i) If the petitioner requests a hearing under paragraph (2) of this subsection, within a reasonable time not to exceed 90 days after receiving the request, the Board shall:

1. hold a hearing on the petition; and
2. issue a written final decision on the petition.

(ii) The Board shall provide notice of the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(iii) At a hearing held under this paragraph, the petitioner has the burden of proving to the Board that the handgun should be placed on the handgun roster because the handgun is useful for legitimate sporting activities, self-protection, or law enforcement purposes.

(4) Any party of record who is aggrieved may appeal within 30 days after a final decision of the Board in accordance with Title 10, Subtitle 2 of the State Government Article.

(f) Effect of section. – This section does not require the Board to test any handgun or have any handgun tested at the expense of the Board.

§ 5-406. Manufacture or sale of handguns

(a) Prohibitions. –

(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) Injunction authorized. – 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.

(c) Penalties. –

(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 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 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.

Criminal Law

TITLE 5. Controlled Dangerous Substances, Prescriptions and Other Substances

Subtitle 6. Crimes Involving Controlled Dangerous Substances and Paraphernalia

Part III. Related and Derivative Crimes

§ 5-621. Use of weapon as separate crime

(a) Definitions. –

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

(2) **"Drug trafficking crime"** means a felony or a conspiracy to commit a felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance under §§ 5-602 through 5-609 and 5-614 of this subtitle.

(3) **"Forfeiting authority"** means the office or person designated by agreement between the State's Attorney for a county and the chief executive officer of the governing body that has jurisdiction over the assets subject to forfeiture.

(b) Prohibited. – During and in relation to a drug trafficking crime, a person may not:

- (1) possess a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime; or
- (2) use, wear, carry, or transport a firearm.

(c) Penalty. –

(1) In addition to the sentence provided for the drug trafficking crime, a person who violates subsection (b) of this section is guilty of a felony and on conviction is subject to: ...

(d) Enhanced sentence. –

(1) (i) In this subsection, "firearm silencer" means a device that is designed for silencing, muffling, or diminishing the report of a firearm.

(ii) "Firearm silencer" includes a combination of parts designed, redesigned, or intended for use in assembling or fabricating a firearm silencer or muffler.

(2) A court shall double the minimum mandatory sentence provided in subsection (c)(1)(ii) of this section if the firearm used during and in relation to a drug trafficking crime is:

- (i) listed in § 4-301 of this article or § 5-101 of the Public Safety Article;
- (ii) a machine gun; or
- (iii) equipped with a firearm silencer.

(e) **Forfeiture of firearm.** –

(1) A firearm or ammunition seized under this section is contraband and shall be forfeited summarily to a forfeiting authority.

(2) Unless otherwise prohibited by law or if forfeiture proceedings have begun, the forfeiting authority shall return the seized property to the owner or possessor within 90 days after the date of seizure if:

- (i) the owner or possessor of the property seized is acquitted; or
- (ii) the charges against the person are dismissed.

(3) Unless otherwise prohibited by law, the forfeiting authority shall return the seized property to the owner or possessor promptly if the State:

- (i) enters a nolle prosequi against the owner or possessor of property seized; and
- (ii) does not charge the person within 90 days after the nolle prosequi is entered.

§ 5-622. Firearm crimes

(a) **"Firearm" defined.** – 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) **Prohibited.** – 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 paragraphs (1) and (2) of this subsection; or

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

(c) **Penalty.** – 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 or both.

Annapolis Code of Ordinances Title 11 – Public Peace, Morals and Welfare Chapter 11.44 Weapons

§ Sec. 11.44.010 Discharging firearms.

A. Except as provided in Subsection B of this section, no person shall discharge or fire off any gun or other firearms in the City of Annapolis.

B. This section does not prohibit sworn police officers or members of the national or State Armed Forces or their recruits in training from discharging firearms in the exercise of their official duties or in the course of training at an approved firing range. This section further does not prohibit public displays of fireworks with appropriate safety precautions, supervised and sponsored by an approved organization or individual under a permit approved by the City.

C. Any person violating the provisions of this section is guilty of a misdemeanor which shall be punishable by a fine as established by resolution of the City Council.

§ Sec. 11.44.030 Firearms and ammunition, Register of purchasers. Each person engaged in the business of selling or exchanging any firearms, except shotguns and air and cat rifles, or ammunition, shall keep a register of the name and address of the person purchasing any firearms, cartridges or other ammunition, noting the make, caliber and date of purchase. The register shall be open to the inspection of the police at all times.

§ Sec. 11.44.040 Firearms and ammunition, Registration of sellers. Each person engaged in the business of selling or exchanging any kind of firearms or ammunition shall register his name and place of business with the City Clerk.

§ Sec. 11.44.050 Firearms and ammunition, Minors under eighteen years.

A. A person, whether a licensed dealer or not, may not sell, barter or give away any firearms, other deadly weapons or any ammunition to any minor under the age of eighteen years, except with the express written permission of a parent or guardian of the minor.

B. This section does not apply to a member of any organized militia in the State, when the member is engaged in supervised training, marksmanship activities or any other performance of the member's official duty. The restrictions or limitations contained in this section also do not apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

Anne Arundel County Code & Charter

Current through 2015

§ 18-10-122. Home occupations. A home occupation shall comply with all of the following requirements.

- (1) A home occupation shall be located and conducted entirely in a principal dwelling unit and shall be incidental and secondary to the use of the structure as a dwelling.
- (2) A home occupation may not change the character of the dwelling unit and may not exceed 25% of the total floor area.
- (3) Home occupations are limited to the following:
 - (x) repair and maintenance of firearms, including handguns, rifles, shotguns, and antique firearms, as those terms are defined in the Criminal Law Article, § 4-201, of the State Code;
- (4) The operator of a home occupation shall be a resident of the dwelling unit in which the occupation is located.
- (5) No more than one nonresident may be employed in the home occupation.
- (6) The sale or rental of goods or products other than those produced on the premises by the home occupation is prohibited.
- (7) Outside storage is prohibited.

Baltimore City Code

Subtitle 59. Weapons

Part 1. Firearms — In General

Current through 2015

§ 59-1. Carrying long-barrel firearms.

(a) Carrying prohibited — in general.

(1) It shall be unlawful for any person to carry in any vehicles or about his person, except in his place of abode, fixed place of business, target range, gun show, historic reenactment, or civic event held on a National Monument or a Historic Shrine or parade for which a permit has been obtained, any rifle, shotgun or other firearm the barrel of which is over 14 inches in length.

(2) Provided that this subsection shall not apply to:

- (i) marshals, sheriffs, prison or jail wardens, or their deputies while in the performance of their official duty;
- (ii) policemen or other law enforcement officers;
- (iii) members of the armed forces of the United States or of the National Guard or organized reserves when on duty;
- (iv) holders of special police commissions issued under Title 4, Subtitle 9, of Article 41 of the Maryland Code, while actually on duty on the property for which the commission was issued or while traveling to or from such duty;
- (v) uniformed security guards, special railway police, and watchmen who have been cleared for such employment by the appropriate governmental agency, while in the course of their employment or while traveling to or from the place of employment;
- (vi) guards in the employ of a bank, savings and loan association, building and loan association, or express or armored car agency, while in the course of their employment or while traveling to or from the place of employment;
- (vii) manufacture, transportation, or sale of weapons to persons authorized under law to possess such under the laws of the United States;
- (viii) transportation of firearms unloaded and carried in an enclosed case or rack designed for that purpose;
- (ix) antique firearms, meaning:

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and 11/15/12 -158-POLICE ORDINANCES ART. 19, § 59-2

(B) any replica of any firearm described in subitem (A) if such replica:

1. is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
2. uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(b) Carrying prohibited — intent to commit crime. It shall be unlawful for any person to carry in any about his person any rifle, shotgun, or other firearms the barrel of which is over 14 inches in length with the intent to use the rifle, shotgun, or other firearm in the commission of a crime against the person or property of another.

(c) Penalties. Any violation of the provisions of this section shall be deemed a misdemeanor, subject upon conviction to a fine of not more than \$500 or to imprisonment for not longer than 60 days or to both fine and imprisonment, in the discretion of the Court.

§ 59-2. Discharging firearms.

(a) Prohibited conduct; penalties. If any person shall fire or discharge any gun, pistol, or firearm within the City, unless it be on some occasion of military parade, and then by order of some officer having the command, every such person for every such offense shall be guilty of a misdemeanor and, upon conviction, pay a fine not to exceed \$1,000, or be imprisoned for a term not to exceed 1 year, or both.

(b) Discharge on vessel. If any gun, pistol, or firearm shall be discharged from on board any vessel within the harbor of Baltimore, the captain of the vessel, as well as the offender, shall be liable to the said penalty.

(c) Exception. Nothing in this section shall be held to apply to or prohibit the discharge or firing of any such firearms on permanently located, properly posted and bona fide target ranges, the location of which has been filed with the Police Department of Baltimore City.

Part 2. Firearms — Access by Minors

§ 59-11. Definitions.

(a) In general. In this Part, the following terms have the meanings indicated.

(b) Ammunition. “Ammunition” means any cartridge, shell, or other device that contains explosive or incendiary material and is designed or intended for use in any firearm. 11/15/12 -160-POLICE ORDINANCES ART. 19, § 59-12

(c) Child safety lock. “Child safety lock” means:

(1) a device that, when locked in place, prevents the trigger from being moved and can itself be removed only by using a key or combination; or

(2) any other device that:

(i) when locked in place, otherwise renders the firearm inoperable and can itself be removed only by using a key or combination; and

(ii) has been approved for this purpose by the Police Commissioner.

(d) Firearm. “Firearm” means any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm, except an inoperable antique firearm.

(e) Minor. “Minor” means any person under the age of 18.

§ 59-12. Access by minors prohibited.

(a) Prohibited conduct. Except as provided in subsection (b) of this section, a person may not leave a loaded firearm, or an unloaded firearm that is in close proximity to ammunition, in any location where the person knows or reasonably should know that an unsupervised minor might gain access to the firearm.

(b) Exceptions. Subsection (a) of this section does not apply if:

(1) the minor’s access to the firearm is supervised by a person 21 years old or older;

(2) the firearm is in a locked gun cabinet or similar locked location;

(3) the firearm is secured with a child safety lock;

(4) the minor obtained access to the firearm as the result of an unlawful entry to the premises; or

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

§ 59-13. Safety locks.

(a) Dealers must provide.

(1) A licensed firearm dealer may not sell, lease, or otherwise transfer a firearm without an accompanying child safety lock suitable for that firearm.

(2) The dealer must provide the child safety lock to the recipient of the firearm when transferring the firearm. The dealer may charge for the child safety lock.

(b) Notices.

(1) A licensed firearm dealer who sells, leases, or otherwise transfers a firearm must post conspicuously in the dealer’s place of business:

(i) a notice of the prohibition in § 59-12 of this Part against leaving a firearm where an unsupervised minor can obtain access to it; and

(ii) a notice of the prohibition in subsection (a) of this section against the transfer of a firearm without an accompanying child safety lock.

(2) If the transaction occurs outside the dealer’s place of business, or if the dealer does not maintain a place of business in a commercial establishment, the dealer must provide the required notices in writing when transferring the firearm.

§ 59-14. Rules and regulations. The Police Commissioner may adopt rules and regulations to carry out this Part, including but not limited to rules or regulations governing the wording, size, and placement of the notices required by this Part.

§ 59-16. Penalties. Any person who violates any provision of this Part or of a rule or regulation adopted under this Part is guilty of a misdemeanor and, on conviction, is subject to a fine of \$1,000 or to imprisonment for 1 year or both.

Part 2A. Firearms — Reporting Theft or Loss

§ 59-17. “Firearm” defined. In this Part 2A, “firearm” includes any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm.

§ 59-18. Reporting required. If a firearm is lost or stolen, the person who owned the firearm shall report the theft or loss to the Baltimore Police Department. The report shall be made within 48 hours after the theft or loss is first discovered.

§ 59-19. Entry to NCIC Database. On receipt of a report of a stolen or lost firearm, the Baltimore Police Department shall enter into the National Crime Information Center Database the following information, to the extent known:

(1) the firearm’s caliber, make, model, manufacturer, and serial number; and

(2) any other distinguishing number or identification mark on the firearm.

§ 59-20A. Enforcement by citation.

(a) In general.

In addition to any other civil or criminal remedy or enforcement procedure, § 59-18 of this Part 2A may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) Process not exclusive.

The issuance of a civil citation to enforce § 59-18 of this Part 2A does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

§ 59-20B. Criminal penalties. Any person who violates § 59-18 of this Part 2A is guilty of a misdemeanor and, on conviction, is subject to the following penalties:

(1) for a 1st offense, a fine of not more than \$500; and

(2) for any subsequent offense, a fine of not more than \$750 or imprisonment for not more than 90 days or both fine and imprisonment.

Baltimore County Code
Article 17. Miscellaneous Provisions and Offenses
Title2. Firearms & Weapons

§ 17-2-102. Minors.

(a) Prohibited - Purchase of firearm.

(1) A minor may not purchase, trade, acquire in any manner, use, possess, or attempt to use or possess a gun, pistol, rifle, shotgun, or any other type of firearm, unless the minor has filed a statement of possession or use with the Police Department.

(2) The statement of possession or use shall be retained by the Police Department.

(3) (i) The statement of possession or use shall be endorsed by the parents or guardians of the minor, attesting to the knowledge of the parents or guardians of the acquisition, use, possession, or prospective acquisition, use or possession of any firearms.

(ii) The endorsement executed by the parents or guardians of a minor shall provide clearly and without exception or qualification that:

1. Any negligence of the minor in the use or possession of a firearm shall be imputed to the parents or guardians; and

2. The parents or guardians shall be jointly and severally liable with the minor for any civil damages caused by the minor's negligence in the use or possession of a firearm.

(4) The statements required under this section shall be signed and sworn to before a person authorized to administer oaths.

(b) Same - Sale of firearm. A person may not sell, give, or transfer a firearm to a minor unless the statements required under subsection (a) of this section have been filed with the Police Department.

(c) Limitation. This section does not apply to antique or unserviceable firearms sold, transferred, or held as curios or museum pieces.

(d) Serial numbers not required. This section may not be construed to require the registration or listing of firearms by serial number or in any other manner.

§ 17-2-103. Penalty. A person who violates any provision of § 17-2-101 or § 17-2-102 of this title is guilty of a misdemeanor.

Montgomery County Code
Chapter 57. Weapons
Current through 2016

Sec. 57-1. Definitions. In this Chapter, the following words and phrases have the following meanings:

Child safety handgun box: A secure, lockable box designed to hold the handgun being transferred that:

(1) requires a key or combination to remove;

(2) renders the handgun inoperable when locked; and

(3) is approved by Executive regulation under method (2).

Child safety handgun device: A child safety handgun lock or child safety handgun box.

Child safety handgun lock: A device that when locked in place prevents movement of the trigger of the handgun being transferred without first removing the lock by use of a key or combination. "Child safety handgun lock" also includes any other device that can be attached to a handgun and:

(1) requires a key or combination to remove;

(2) renders the handgun inoperable when locked in place; and

(3) is approved by Executive regulation under method (2).

Crime of violence: Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than 1 year.

Firearm dealer: A person required by State or federal law to obtain a:

- (1) regulated firearms dealer's license; or
- (2) temporary transfer permit to display a regulated firearm at a gun show.

Fixed ammunition: Any ammunition composed of a projectile or projectiles, a casing, an explosive charge and a primer, all of which shall be contained as 1 unit. Cartridges designed, made and intended to be used exclusively (i) in a device for signaling and safety purposes required or recommended by the United States Coast Guard or (ii) for industrial purposes, shall not be considered fixed ammunition. Curios or relics, as defined in regulations promulgated by the United States Secretary of the Treasury pursuant to 18 United States Code, section 921(A)(13), shall not be considered fixed ammunition.

Fugitive from justice: Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

Gun or firearm: Any rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

(1) The term "**antique firearm**" means (a) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) any replica of any firearm described in subparagraph (a) if such replica (i) is not designed or redesigned or using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) "**Handgun**" means any pistol, revolver or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle as these terms are defined below. "Handgun" does not include a shotgun, rifle, or antique firearm.

(3) "**Rifle**" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) The term "**short-barreled rifle**" means a rifle having 1 or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alternation, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

(5) The term "**short-barreled shotgun**" means a shotgun having 1 or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(6) "**Shotgun**" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Gun shop: An establishment where a handgun, rifle, or shotgun, or ammunition or major component of these guns is sold or transferred. "Gun shop" does not include an area of an establishment that is separated by a secure, physical barrier from all areas where any of these items is located.

Gun show: Any organized gathering where a gun is displayed for sale.

Minor: An individual younger than 18 years old.

Pistol or revolver: Any gun with a barrel less than 12 inches in length that uses fixed ammunition.

Place of public assembly: A "place of public assembly" is a government owned park identified by the Maryland-National Capital Park and Planning Commission; place of worship; elementary or secondary school; public library; government-owned or -operated recreational facility; or multipurpose exhibition facility, such as a fairgrounds or conference center. A place of public assembly includes all property associated with the place, such as a parking lot or grounds of a building.

Record plat means a subdivision plat recorded in the County's land records.

Sell or purchase: Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

Sporting use: "Sporting use" of a firearm and ammunition means hunting or target shooting in compliance with all federal, State, and local laws. Sporting use includes:

- (a) participation in a managed hunt sponsored by a government agency; and
- (b) the sale or other transfer of ammunition by a sporting club for immediate, on-site use at the club.

Tax assessment record means the information maintained by the State Department of Assessments and Taxation in its Real Property Database on each parcel of real property located in the County, including the tax map for each parcel.

Urban area: That part of the County within the following boundaries: Beginning at a point where the Maryland/District of Columbia boundary line in the County intersects with the Maryland/Virginia boundary line on the southwest side of the Potomac River; running then northwest along the Maryland/Virginia boundary line to the emptying of Watts Branch into the Potomac River; then northwest along the northeast side of the Potomac River to the emptying of Seneca Creek into

the Potomac River; then north along Seneca Creek to Route 112 (Seneca Road); then east along Route 112 to Route 28 (Darnestown Road); then northwest along Route 28 to Route 118 (Darnestown-Germantown Road); then north along Route 118 to Route 117 (Clopper Road); then northwest along Route 117 to Little Seneca Creek; then northeast along Little Seneca Creek to Black Hill Regional Park; then along the eastern boundary of Black Hill Regional Park to the Park's southernmost intersection with I-270; then northwest along I-270 to Little Seneca Creek; then north along Little Seneca Creek to West Old Baltimore Road; then east along West Old Baltimore Road to Route 355 (Frederick Road); then south along Route 355 to Brink Road; then southeast on Brink Road to the Town of Laytonsville; then along the northern boundary of the Town of Laytonsville to Route 420 (Sundown Road); then east along Route 420 to Route 650 (Damascus Road); then southeast along Route 650 to Route 97 (Georgia Avenue); then south along Route 97 to Brighton Dam Road; then northeast along Brighton Dam Road to Route 650 (New Hampshire Avenue); then south along Route 650 to Route 108; then east along Route 108 to the Potomac Electric Power Company transmission line property; then southeast along the east side of the Potomac Electric Power Company right-of-way to Route 198; then east along Route 198 to the Prince George's County/Montgomery County boundary line; then southwest along the Montgomery County/Prince George's County boundary line to the Montgomery County/District of Columbia boundary line; then along the Montgomery County/District of Columbia boundary line to the beginning point.

Vehicle: Any motor vehicle, as defined in the Transportation Article of the Annotated Code of Maryland, trains, aircraft and vessels.

Sec. 57-2. Firearm Safety Committee.

(a) There is a Firearm Safety Committee with 7 voting members appointed by the County Executive and confirmed by the County Council. The voting members should be trained and experienced in the safe and sportsmanlike use of weapons. The Executive must designate one voting member to serve as Chair. The Police Range Officer must serve as a non-voting member of the Committee.

(b) The Committee issues indoor and outdoor target, trap, skeet, and shooting range approval certificates. The Committee may specify the type of gun and ammunition that may be used on the range. An approval certificate is valid for 3 years. Before issuing a certificate, the Committee must find that:

(1) the discharge of guns on the range will not jeopardize life or property; and

(2) the applicant for the certificate is the owner, lessee, or person lawfully in possession of the land where the range is located.

(c) The Committee must inspect any firing range operated by the Police Department every 3 years.

(d) The Committee must create a standard safety checklist to assure that all firing ranges are evaluated using the same criteria.

(e) The Committee must keep a copy of each certificate.

Sec. 57-3. Change in urban area boundary. On February 1 each year, the County Executive, after consulting with the Firearm Safety Committee, must recommend to the County Council any appropriate change in the boundary of the urban area based on new development or reported incidents of weapons discharge near developed areas.

Sec. 57-4. Discharge of guns in the urban area.

(a) **Prohibition.** Except as provided in subsection (b), a person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not discharge a gun within the urban area.

(b) **Exceptions.** Except as provided in §§ 57-7 and 57-11, a person may discharge a gun:

(1) on any indoor or outdoor target, trap, skeet, or shooting range that the Firearms Safety Committee has inspected and approved in writing;

(2) in a private basement or cellar target range;

(3) when necessary to protect life or property;

(4) to kill a dangerous animal;

(5) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;

(6) for salutes by firing squads at military funerals;

(7) if approved by the Chief of Police, under a deer damage control permit issued by the Maryland Department of Natural Resources;

(8) for the purpose of deer hunting on private property that is at least 50 acres in size if:

(A) the person discharges the gun from an elevated position;

(B) the person does not load the gun until the person is located in the elevated position;

(C) the person unloads the gun before descending from the elevated position;

(D) the projectile has a downward trajectory;

(E) the property owner complies with any public notice requirements in applicable regulations; and

(F) the property owner gives written notice to the Chief of Police at least 15 days before any gun is discharged on the property which:

1. identifies the day or days on which deer hunting will occur;

2. identifies the time that deer hunting will begin and end each day;

3. lists the name of each individual who will participate in deer hunting; and

4. includes a copy of the record plat or tax assessment record for the property; or

(9) on property owned by the Maryland-National Capital Park and Planning Commission as a part of a deer management program conducted or sanctioned by the Commission that complies with safety requirements approved by the Chief of Police.

(c) 50-acre threshold.

(1) Subject to the requirements of paragraph (2), up to 5 owners of contiguous parcels of property may aggregate their property to meet the 50-acre threshold in subsection (b)(8).

(2) If property owners aggregate their parcels to achieve the 50-acre threshold in subsection (b)(8), a person may discharge a gun for the purpose of deer hunting on the aggregated property if the person obtains written permission from each property owner, which must include a copy of the record plat or tax assessment record for each parcel in the aggregated property.

(d) A person who discharges a gun under the authority granted in subsection (b)(7), (b)(8), or (b)(9) is subject to the restrictions imposed by Section 57-5(a) on the discharge of a gun outside the urban area.

(e) Regulations. The County Executive must adopt regulations under method (2) which:

(1) establish procedures and criteria that the Chief of Police must use to decide whether it is safe to discharge a gun under the circumstances specified in subsection (b)(7); and

(2) to implement subsection (b)(8):

(A) require signs to be posted along the perimeter of each applicable property at least 15 days before any gun is discharged on the property;

(B) specify the size, wording, and location of each sign; and

(C) identify a method to determine the number of signs that must be posted.

Sec. 57-5. Discharge of guns outside the urban area.

(a) Prohibition. Except as provided in subsection (c)(1) through (c)(6), outside the urban area, a person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not:

(1) discharge a gun:

(A) onto, across, or within 50 yards of a public road;

(B) onto or across property located within 50 yards of a public road;

(C) into or within the safety zone (150 yards of a building or camp designed for human occupancy) without the owner or occupant's written consent; or

(D) from, onto, or across public or private property without the owner or occupant's written consent;

(2) discharge a full metal jacketed bullet of any caliber from a gun; or

(3) except as provided in subsection (b), discharge any fixed ammunition of a caliber higher than .25 caliber from a rifle or pistol.

(b) Exception - High Caliber Ammunition. A person may discharge fixed ammunition of a caliber higher than .25 from a rifle or pistol at:

(A) legal game or varmints on the ground; or

(B) a target on or near the ground that will not deflect a bullet.

(c) Other Exceptions. Except as provided in §§ 57-7 and 57-11, a person may discharge a gun:

(1) on any indoor or outdoor target, trap, skeet, or shooting range that the Firearm Safety Committee has inspected and approved in writing;

(2) in a private basement or cellar target range;

(3) when necessary to protect life or property;

(4) to kill a dangerous animal;

(5) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;

(6) for salutes by firing squads at military funerals; or

(7) under a deer damage control permit issued by the Maryland Department of Natural Resources.

Sec. 57-7. Access to guns by minors.

(a) A person must not give, sell, rent, lend, or otherwise transfer any rifle or shotgun or any ammunition or major component for these guns in the County to a minor. This subsection does not apply when the transferor is at least 18 years old and is the parent, guardian, or instructor of the minor, or in connection with a regularly conducted or supervised program of marksmanship or marksmanship training.

(b) An owner, employee, or agent of a gun shop must not allow a minor to, and a minor must not, enter the gun shop unless the minor is accompanied by a parent or other legal guardian at all times when the minor is in the gun shop.

(c) This section must be construed as broadly as possible within the limits of State law to protect minors.

Sec. 57-8. Child safety handgun devices and handguns.

(b) Child safety handgun device.

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun in the County must provide to the recipient of the handgun a child safety handgun device for the handgun at the time of the transfer. The dealer may charge for the child safety handgun device.

(2) A person who purchases or otherwise receives a handgun from a firearm dealer (or any transferor who would be a firearm dealer if the transfer occurred in the State) after October 8, 1997 must obtain a child safety handgun device for the handgun:

(A) at the time of a transfer in the County; or

(B) before entering the County with the handgun if the transfer occurred outside the County and the transferee resides in the County.

(c) Notices.

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun must post conspicuously in the dealer's place of business a notice of:

(A) the requirement in subsection (b) for a child safety handgun device; and

(B) the prohibition in State law of storing or leaving a loaded firearm in a location where an unsupervised child can gain access to the firearm.

(2) If the firearm dealer transferring a handgun does not maintain a place of business in a commercial establishment, the dealer must provide the notices required by paragraph (1) in writing when transferring the handgun.

(d) Enforcement. The Department of Health and Human Services and any other department designated by the County Executive enforces this section.

(f) Regulations. The Executive may adopt regulations under method (2) to implement this Section.

Sec. 57-9. Unlawful ownership or possession of firearms. A person must not possess, exercise control over, use, carry, transport, or keep a rifle, shotgun, or pistol, if the person:

(a) is an unlawful user of , addicted to, or is under treatment for an addiction to, marijuana or any depressant or stimulant drug or narcotic drug (as defined in Maryland Criminal Law Code Annotated, §§ 1-101, 5-101, 5-401, 5-404, and 5-604); or

(b) has been convicted in any court of a crime of violence, trafficking in narcotics, a criminal violation of any of the provisions of Maryland Public Safety Code Annotated, §§ 5-101 to 5-138, 5-142, or any federal firearms control law; or

(c) is a fugitive from justice; or

(d) has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that the physician is familiar with the person's history of mental illness and that in the physician's opinion the person is not disabled by such illness in a manner which should prevent the person from possessing a rifle or a shotgun; or

(e) has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that the physician is familiar with the person's history of alcoholism and that, in the physician's opinion, the person is no longer suffering from a disability in such a manner which should prevent the person from possessing a rifle or shotgun.

Sec. 57-10. Keeping guns on person or in vehicles. It shall be unlawful for any person to have upon his person, concealed or exposed, or in a motor vehicle where it is readily available for use, any gun designed to use explosive ammunition unless:

(a) **Lawful mission.** Such person is then engaged upon a lawful mission for which it is necessary to carry a gun upon his person; or

(b) **Special guard, special police, etc.** Such person is employed as a special guard, special police officer or special detective and has been lawfully deputized by the sheriff for the county, or has been appointed a constable in the county, or has been licensed under the laws of the state, should such a law be enacted, to carry such gun and then is on or in the immediate vicinity of the premises of any employer whose occupation lawfully requires the employment of a person carrying a gun while in the discharge of the duties of such employment; or

(c) **Military service.** Such person is then lawfully engaged in military service or as a duly authorized peace officer; or

(d) **Hunting, target practice, etc.** Such person is engaged in lawful hunting, drill, training or target practice on property of which he is the owner or lessee or on property with the prior permission of the owner or lessee thereof; or

(e) **Going to or returning from hunting, target practice, etc.** Such person is engaged in going to or from lawful hunting, drill training or target practice, or in delivering such gun to or carrying it from a gunsmith or repairman, or is engaged in any other lawful transfer of possession; provided, that such person shall be on or traveling upon a public highway or property of which he is the owner or lessee or on property with the prior permission of the owner or lessee thereof; provided further, that such gun shall not be loaded with explosive ammunition.

Sec. 57-11. Firearms in or near places of public assembly.

(a) A person must not sell, transfer, possess, or transport a handgun, rifle, or shotgun, or ammunition for these firearms, in or within 100 yards of a place of public assembly.

(b) This section does not:

(1) prohibit the teaching of firearms safety or other educational or sporting use in the areas described in subsection (a);

(2) apply to a law enforcement officer, or a security guard licensed to carry the firearm;

(3) apply to the possession of a firearm or ammunition in the person's own home;

(4) apply to the possession of one firearm, and ammunition for the firearm, at a business by either the owner or one authorized employee of the business;

(5) apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or

(6) apply to separate ammunition or an unloaded firearm:

(A) transported in an enclosed case or in a locked firearms rack on a motor vehicle; or

(B) being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.

(c) This section does not prohibit a gun show at a multipurpose exhibition facility if:

(1) the facility's intended and actual primary use is firearms sports (hunting or target, trap, or skeet shooting) or education (firearms training); or

(2) no person who owns or operates the facility or promotes or sponsors the gun show received financial or in-kind support from the County (as defined in Section 57-13(a)) during the preceding 5 years, or after December 1, 2001, whichever is shorter; and

(A) no other public activity is allowed at the place of public assembly during the gun show; and

(B) if a minor may attend the gun show:

(i) the promoter or sponsor of the gun show provides to the Chief of Police, at least 30 days before the show:

(a) photographic identification, fingerprints, and any other information the Police Chief requires to conduct a background check of each individual who is or works for any promoter or sponsor of the show and will attend the show; and

(b) evidence that the applicant will provide adequate professional security personnel and any other safety measure required by the Police Chief, and will comply with this Chapter; and

(ii) the Police Chief does not prohibit the gun show before the gun show is scheduled to begin because:

(a) the promoter or sponsor has not met the requirements of clause (i); or

(b) the Police Chief has determined that an individual described in clause (i)(a) is not a responsible individual.

(d) Notwithstanding subsection (a), a gun shop owned and operated by a firearms dealer licensed under Maryland or federal law on January 1, 1997, may conduct regular, continuous operations after that date in the same permanent location under the same ownership if the gun shop:

(1) does not expand its inventory (the number of guns or rounds of ammunition displayed or stored at the gun shop at one time) or square footage by more than 10%, or expand the type of guns (handgun, rifle, or shotgun) or ammunition offered for sale since January 1, 1997;

(2) has secure locks on all doors and windows;

(3) physically secures all ammunition and each firearm in the gun shop (such as in a locked box or case, in a locked rack, or with a trigger lock);

(4) has adequate security lighting;

(5) has a functioning alarm system connected to a central station that notifies the police; and

(6) has liability insurance coverage of at least \$1,000,000.

Sec. 57-12. Sale of fixed ammunition.

(b) **Registration of ammunition dealers.** Any ammunition dealer (as defined in 18 United States Code, section 921 et seq.) who conducts business in Montgomery County is required to register with the Montgomery County department of police by maintaining on file with that department, at all times, a valid, current copy of his federal ammunition dealer's license.

(c) **Conditions for sale.** No ammunition dealer may sell fixed ammunition to any other person, unless:

(1) The sale is made in person;

(2) The purchaser exhibits, at the time of sale, a valid registration certificate or, in the case of a nonresident, proof that the firearm is lawfully possessed in the jurisdiction where the purchaser resides;

(3) The fixed ammunition to be sold is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of a nonresident; and

(4) The purchaser signs a receipt for the ammunition which shall be maintained by the licensed dealer for a period of one (1) year from the date of sale.

(d) **Exceptions.** The provisions of this section shall not apply to the sale of fixed ammunition:

(1) Which is suitable for use only in rifles or shotguns generally available in commerce, or to the sale of component parts of these types of ammunition;

(2) To any person licensed to possess fixed ammunition under an act of Congress and the law of the jurisdiction where the person resides or conducts business; or

(3) To any law enforcement officer of federal, state, local or any other governmental entity, if the officer has in his possession a statement from the head of his agency stating that the fixed ammunition is to be used in the officer's official duties.

(e) **Penalties.** Any ammunition dealer who sells fixed ammunition in violation of the provisions of this section shall be guilty of a class C violation, pursuant to section 1-19 of the Montgomery County Code, punishable only by a civil penalty in the amount of \$15.

(f) **Exception for incorporated municipalities.** This section shall not be effective in any incorporated municipality which by law has authority to enact a law on the same subject. If any such incorporated municipality adopts this section and requests the county to enforce the adopted provisions thereof within its corporate limits, the county may thereafter administer and enforce the same within the incorporated municipality. The county executive is authorized to enter into agreements with incorporated municipalities to enforce and administer the provisions so adopted and to collect the administrative costs of implementation from such municipalities.

Sec. 57-14. Exemptions from Chapter. Nothing in this Chapter applies to the purchase, ownership, or possession of a bona fide antique gun that is incapable of use as a gun. Except as provided in §§ 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a gun on that land for the purpose of killing predatory animals which prey on livestock.

Sec. 57-15. Penalty. Any violation of this Chapter or a condition of an approval certificate issued under this Chapter is a Class A violation to which the maximum penalties for a Class A violation apply. Any violation of § 57-8 is a Class A civil violation.