

**MARYLAND**  
**MD. CODE**

**Criminal Law Article**

**Title 1. General Provisions**

**Subtitle 1. Definitions**

**1-101. Definitions**

(a) **In general.** In this article the following words have the meanings indicated. ...

(g) **Minor.** "Minor" means an individual under the age of 18 years.

**Title 4. Weapon Crimes**

**Subtitle 2. Handguns**

**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 Pistols and Detachable Magazines**

**4-301. "Assault pistol" defined** In this subtitle, "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.

**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, or law enforcement personnel of the State or a local unit in the State;

(2) A firearm modified to render it permanently inoperative;

(3) Purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:

(i) Providing or servicing an assault pistol or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section; or

(ii) Acting to sell or transfer an assault pistol detachable magazine to a licensed firearm dealer in another state;

(4) Organizations that are required or authorized by federal law governing their specific business or activity to maintain assault pistols and applicable ammunition and detachable magazines;

(5) The receipt of an assault pistol or detachable magazine by inheritance if the decedent lawfully possessed the assault pistol; or

(6) The receipt of an assault pistol 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.

**4-303. Assault pistols - prohibited**

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

(1) transport an assault pistol into the State; or

(2) possess, sell, offer to sell, transfer, purchase, or receive an assault pistol.

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

(1) may continue to possess the assault pistol; or

(2) 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.

**4-304. Assault pistols - Seizure and disposition** A law enforcement unit may seize as contraband and dispose of according to regulation an as-sault pistol transported, sold, transferred, pur-chased, received, or possessed in violation of this subtitle.

**4-305. Detachable magazines - prohibited**

(a) **Scope** This section does not apply to a .22 caliber rifle with a tubular maga-zine.

(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 20 rounds of ammunition for a firearm.

**4-306. Penalties**

(a) **In general.** 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. ...**

**Subtitle 4. Uniform Machine Gun Act**

**4-401. Definitions**

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

(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; or

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

(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 the 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 the 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 the 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. ...

**4-405. 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 oc-

cupancy 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.

**4-406. Uniformity** This subtitle shall be interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it.

**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.

**(c) Explosive material.**

(1) "Explosive material" means material that explodes when detonated and has a destructive capability.

(2) "Explosive material" includes:

(i) Explosives as defined in § 11-101 of the Public Safety Article; and

(ii) Dynamite for construction work, ammonium nitrate, natural gas in pipelines or storage tanks, ether, and cannisterized oxygen for health care facilities.

(3) "Explosive material" does not include items excluded from explosives in § 11-101 of the Public Safety Article when the items are used in their original configuration.

**(d) Incendiary material.**

(1) "Incendiary material" means a flammable or combustible liquid.

(2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet fuel, fuel oil, kerosene, and diesel fuel.

**(e) Toxic material.**

(1) "Toxic material" means material that is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested.

(2) "Toxic material" includes:

(i) Nerve gas, mustard gas, cyanide gas, chlorine gas, sulphuric acid, or their precursors; and

(ii) A biological substance containing a disease organism or microorganism.

**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, 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 Article

### Title 4. Spouses

#### Subtitle 5. Domestic Violence

##### Part II. Household Violence

###### 4-505. Temporary protective orders

(a)(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.

##### Title 5. Controlled Dangerous Substances, Prescriptions, and Other Substances

###### Subtitle 6. Crimes Involving Controlled Dangerous Substances and Paraphernalia

###### Part III. Related and Derivative Crimes

###### 5-622. 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.

## Public Safety Article

### Title 5. Firearms

#### Subtitle 1. Regulated Firearms

##### 5-101. Definitions

(a) 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.

(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) an attempt to commit any of the crimes listed in items (1) through (15) of this subsection; or

(17) assault with intent to commit any of the crimes listed in items (1) through (15) 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) **Licensee.** "Licensee" means a person who holds a dealer's license.

(p) **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;

(xxxi) Sterling Mark 6;

(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".  
(q) **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.

(r) **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.

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

(t) **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 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.

**5-105. Regulations** The Secretary shall adopt regulations to carry out this subtitle.

**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 required**

(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; or
- (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.

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

(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.** The Secretary shall suspend a dealer's license if the licensee:

(1) is under indictment for a crime of violence; or

(2) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm.

(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 institution-

alization 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 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.

##### **5-118. 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; and

(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) 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 firearm applicant is capable of possessing a regulated firearm without undue danger to the firearm applicant or to another;

(viii) is not a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article;

(ix) 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

(x) subject to § 5-119 of this subtitle, has completed a certified firearms safety training course that the Police Training Commission conducts without charge or that meets the standards that the Police Training Commission establishes under § 3-207 of this article.

(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.

**5-119. Exemption from certified firearms training course requirement** A firearm applicant is not required to complete a certified firearms training course required under §§ 5-118 and 5-134 of this subtitle if the firearm applicant:

(1) has already completed a certified firearms training course required under §§ 5-118 and 5-134 of this subtitle;

(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) holds a permit to carry a handgun under Subtitle 3 of this title.

##### **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:

(i) certified mail;

(ii) facsimile machine; or

(iii) 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 the remaining copy of the firearm application.

###### **(c) Fees.**

(1) Except as provided in paragraph (2) of this subsection, the licensee or designated law enforcement agency shall forward the \$10 applica-

tion fee with the firearm application to the Secretary.

(2) A licensee or designated law enforcement agency that uses a facsimile machine to forward the firearm application to the Secretary shall:

(i) be billed \$10 for each firearm application forwarded to the Secretary during the month; and

(ii) pay the total application fee by the fifteenth day of the following month.

#### **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. Approve, 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 disap-

proved, 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) 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 five 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.

**5-131. Handgun identification requirements**

(a) **Definitions.**

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

(2) "Manufacturer" means a person who possesses a federal license to engage in the business of manufacturing firearms or ammunition for sale or distribution.

(3) "Projectile" means the part of handgun ammunition that is expelled through the barrel of the handgun by an explosion.

(4) "Shell casing" means the part of handgun ammunition that contains the primer and propellant powder to discharge the projectile.

(b) **Manufacturer requirements.** A manufacturer that ships or transports a handgun for sale, rental, or transfer in the State shall include in the box with the handgun in a separate, sealed container:

(1) a shell casing of a projectile discharged from the handgun; and

(2) additional information that the Secretary requires to identify the type of handgun and shell casing.

(c) **Actions by dealer.**

(1) On receipt of a handgun from a manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer has complied with subsection (b) of this section.

(2) On the sale, rental, or transfer of the handgun, the dealer shall forward the sealed container to the Department of State Police Crime Laboratory.

(d) **Crime Laboratory database.** On receipt of a shell casing and information as required in subsection (b) of this section, the Department of State Police Crime Laboratory shall enter the information in each relevant database.

**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.**

(1) A dealer may not sell, offer for sale, rent, or transfer in the State a handgun manufactured on or before December 31, 2002, unless the handgun is sold, offered for sale, rented, or transferred with an external safety lock.

(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 supercedes 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.** 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(f)(2) of the Health - General Article and has a history of violent behavior against the person or another, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another;

(7) has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health - General Article, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another;

(8) except as provided in subsection (e) of this section, is a respondent against whom a current non ex parte civil protective order has been entered under §; or

(9) 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 convicted felon.**

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

(i) a crime of violence; or

(ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to

imprisonment for not less than 5 years, no part of which may be suspended.

(3) A person sentenced under paragraph (1) of this subsection may not be eligible for parole.

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

(d) **Possession by person under age 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 or ammunition solely designed for 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 or ammunition solely designed for 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 or ammunition solely designed for 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 or ammunition 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) **Transport of regulated firearms.** 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.

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

(a) **Preemption by State.** This section supercedes 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(f)(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 and § 5-118(b)(3)(x) of this subtitle if the person:

(1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section and § 5-118(b)(3)(x) of this subtitle;

(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;

3. pepper mace, which is an aerosol propelled combination of highly disabling irritant based products and is also known as oleo-resin capsicum (O.C.) spray, to a minor; or



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 mis-

statement in a firearm application or in an application of 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. Knowing participation in violation of subtitle**

(a) **Prohibited.** Except as otherwise provided in this subtitle, a dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation 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.

### **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 and 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. Possession by person with mental disorder**

(a) **Prohibited.** Unless the person possesses a physician's certificate that the person is capable of possessing a rifle or shotgun without undue danger to the person or to another, a person may not possess a rifle or shotgun if the person:

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

(2) has been confined for more than 30 consecutive days in a facility as defined in § 10-101 of the Health - General Article.

(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 \$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.** "Handgun" has the meaning stated in § 4-201 of the Criminal Law Article.

(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 Fed-

eral 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.

## Title 11. Explosives

### Subtitle 1. Licenses to Engage in Business as Manufacturer or Dealer or to Possess Explosives

#### 11-101. Definitions

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

#### (b) Dealer.

(1) "Dealer" means a person who is engaged in the business of buying or selling explosives.

(2) "Dealer" does not include a manufacturer.

#### (c) Explosives.

(1) "Explosives" means gunpowder, powders for blasting, high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, and any chemical compound or mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may and is intended to cause an explosion.

(2) "Explosives" includes bombs and destructive devices designed to operate by chemical, mechanical, or explosive action.

(3) "Explosives" does not include fixed ammunition for small arms, small arms ammunition primers, small arms percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, friction primers, fireworks, or common matches when used in their original configuration.

(d) **Explosives for use in firearms.** "Explosives for use in firearms" means:

(1) smokeless powder for loading or reloading small arms ammunition; or

(2) black powder for loading or reloading small arms ammunition, antique arms, or replicas of antique arms.

(e) **Local licensing authority.** "Local licensing authority" means the sheriff or chief of police of the county or community where the applicant for a license resides or has a regular place of business.

(f) **Manufacturer.** "Manufacturer" means a person who manufactures or otherwise produces explosives.

#### 11-102. Scope of subtitle

(a) **Transportation of explosives.** This subtitle does not apply to explosives while being

transported on vessels, vehicles, or railroad cars, or while being held for delivery, if the transportation or delivery is subject to and conforms with regulations adopted by the United States Department of Transportation or United States Coast Guard.

**(b) Safety signals.** This subtitle does not apply to the receipt, possession, and use of signals required for the safe operation of vessels, motor vehicles, railroad cars, or aircraft by their operators.

#### **11-105. License required; exceptions**

**(a) In general.** Except as otherwise provided in this subtitle, a person shall obtain a license issued under this subtitle before the person engages in business as a manufacturer or dealer, possesses explosives other than explosives for use in firearms, or possesses or stores explosives for use in firearms in the State.

**(b) License to engage in business as dealer required.**

**(1)** A person shall obtain a license to engage in business as a dealer under this subtitle before the person engages in the business of loading or reloading small arms ammunition in the State. ...

**(c) Exceptions - Armed forces and others handling explosives.** This section does not apply to the armed forces of the United States, the National Guard, the State Guard, or officers or employees of the United States, the State, or a local subdivision of the State who are authorized to handle explosives in the performance of their duties.

**(d) Exceptions - Possession of explosives for use in firearms.**

**(1)** Subject to paragraph (2) of this subsection, a person need not obtain a license to possess or store up to 5 pounds of smokeless powder for the loading or reloading of small arms ammunition, and up to 5 pounds of black powder for the loading or reloading of small arms ammunition or for use in the loading of antique arms or replicas of antique arms, if the smokeless powder and black powder are stored in their original shipping containers and are possessed only for personal use in firearms.

**(2)** A person may not possess or store explosives for use in firearms in any quantity in multi-family dwellings, apartments, dormitories, hotels, schools, other public buildings, or buildings or structures open for public use.

**(3)** Notwithstanding paragraph (2) of this subsection, the State Fire Marshal may issue a permit to allow temporary possession of explosives for use in firearms in a building or structure open for public use. ...

#### **11-112. Records and reports of manufacturers and dealers**

##### **(a) Records.**

**(1)** Each manufacturer and each dealer shall keep, for all explosives shipped, purchased, or sold, a record that includes:

**(i)** the name and address of each consignee, buyer, or seller of the explosives;

**(ii)** the date of each shipment, purchase, or sale; and

**(iii)** the amount and description of the explosives.

**(2)** Each record kept under this subsection shall at all times be open for inspection by agents of the licensing authority and by federal, State, and local law enforcement officers.

**(3)(i)** Subject to subparagraph (ii) of this paragraph, each manufacturer and each dealer shall provide a copy of each record kept under this subsection to the State Fire Marshal in the form that the State Fire Marshal requires.

**(ii)** A record kept under this subsection shall be provided on request, but need not be filed more than once in each calendar month.

##### **(b) Reports to licensing authorities.**

**(1)** Subject to paragraph (2) of this subsection, each manufacturer shall file with the licensing authority of each state, other than this State, to which explosives have been shipped by the manufacturer, a report that includes:

**(i)** the name of each buyer to whom explosives have been shipped in that state; and

**(ii)** the amount and description of the explosives.

**(2)** A report required under paragraph (1) of this subsection shall be filed on request, but need not be filed more than once in each calendar month.

**(3)** In like manner, each manufacturer shall file with the State Fire Marshal a report that includes:

**(i)** the name of each buyer of explosives in this State; and

**(ii)** the amount and description of the explosives.

**11-113. Reports of theft of explosives** Each theft or other unauthorized taking of explosives from a licensee under this subtitle shall be reported by the licensee to the State Fire Marshal:

**(1)** immediately by telephone; and

**(2)** by a written report in the form required by the State Fire Marshal.

#### **11-114. Prohibited acts; penalty - In general**

**(a) Engaging in business as manufacturer or dealer without license prohibited.** Except as otherwise provided in this subtitle, a person may not engage in business as a manufacturer or dealer in the State unless the person is licensed under this subtitle.

**(b) Possession of explosives other than explosives for use in firearms without license prohibited.** Except as otherwise provided in this subtitle, a person may not possess explosives other than explosives for use in firearms in the State unless the person is licensed under this subtitle.

**(c) Sale to unlicensed persons prohibited.** Except as otherwise provided in this subtitle, a dealer may not sell, barter, give, or dispose of explosives other than explosives for use in firearms to a person unless the person is licensed under this subtitle. ...

**(f) Violation of regulations prohibited.** A person may not violate a regulation adopted under this subtitle.

**(g) Penalty.** Except as otherwise provided in § 11-116 of this subtitle, 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.

#### **11-115. Prohibited acts - Explosives for use in fire-arms; required reports**

**(a) Prohibitions on possession or storage of explosives for use in firearms.**

**(1)** A person may not possess at any time or store in any one place more than 5 pounds of smokeless powder or more than 5 pounds of black powder for use in firearms unless the person is licensed under this subtitle.

**(2)** A person may not engage in the business of loading or reloading small arms ammunition unless the person is licensed to engage in business as a dealer under this subtitle.

**(3)** Except as otherwise provided in this subtitle, a person may not possess or store explosives for use in firearms in any quantity in multi-

family dwellings, apartments, dormitories, hotels, schools or other public buildings, or buildings or structures open for public use.

**(b) Prohibition on sale of explosives for use in firearms.** A dealer may not sell, barter, give, or dispose of more than 5 pounds of black powder or more than 5 pounds of smokeless powder for use in firearms to any one person at any one time unless the person is licensed under this subtitle.

**(c) Failure to file reports or records prohibited.** A person may not fail to file reports or records required under § 11-112 of this subtitle.

**(d) Failure to file report of theft prohibited.** A person may not fail to file a report of theft of explosives required under § 11-113 of this subtitle.

**(e) Penalty.** A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

#### **11-116. Additional penalties**

##### **(b) For violation of § 11-114(b)**

**(1)** Except as otherwise provided in paragraph (2) of this subsection, a person who violates § 11-114(b) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$10,000 or both.

**(2)** Paragraph (1) of this subsection does not apply to a person who neither intended to use nor used the explosives involved in violation of:

**(i)** Title 3, Subtitle 1 or Subtitle 5, Title 5, Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or § 12-701 of this article;

**(ii)** Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the Agriculture Article;

**(iii)** Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;

**(iv)** Title 14, Subtitle 29, § 11-810, or § 14-1317 of the Commercial Law Article;

**(v)** § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(d)(7)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;

**(vi)** the Criminal Law Article other than Title 8, Subtitle 2, Part II or § 10-614;

**(vii)** Title 5, Subtitle 10A of the Environment Article;

**(viii)** § 5-503 of the Family Law Article;

**(ix)** Title 20, Subtitle 7 or § 21-259.1 of the Health-General Article;

**(x)** § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, § 8-740.1, or § 10-411(a) or (d), as it relates to Harford County, of the Natural Resources Article;

**(xi)** § 14-127 of the Real Property Article;

**(xii)** Article 2B, Title 22 or § 18-104 of the Code;

**(xiii)** Article 24, § 11-512, § 11-513, or § 11-514 of the Code;

**(xiv)** § 109 of the Code of Public Local Laws of Caroline County;

**(xv)** § 4-103 of the Code of Public Local Laws of Carroll County; or

**(xvi)** § 8A-1 of the Code of Public Local Laws of Talbot County.

##### **For violation of § 11-114(c) or conspiracy to violate § 11-114(b)**

**(b)(1)** Except as otherwise provided in paragraph (2) of this subsection, a person who violated § 11-114(c) of this subtitle or who conspires to violate § 11-114(b) of this subtitle is guilty of a felony and on conviction is subject to

imprisonment not exceeding 20 years or a fine not exceeding \$10,000 or both.

(2) Paragraph (1) of this subsection does not apply to a person who had probable cause to believe that the explosives involved would be used for a purpose other than the violation of:

(i) Title 3, Subtitle 1 or Subtitle 5, Title 5, Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or § 12-701 of this article;

(ii) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the Agriculture Article;

(iii) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;

(iv) Title 14, Subtitle 29, § 11-810, or § 14-1317 of the Commercial Law Article;

(v) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(d)(7)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;

(vi) the Criminal Law Article other than Title 8, Subtitle 2, Part II or § 10-614;

(vii) Title 5, Subtitle 10A of the Environment Article;

(viii) § 5-503 of the Family Law Article;

(ix) Title 20, Subtitle 7 or § 21-259.1 of the Health-General Article;

(x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, § 8-740.1, or § 10-411(a) or (d), as it relates to Harford County, of the Natural Resources Article;

(xi) § 14-127 of the Real Property Article;

(xii) Article 2B, Title 22 or § 18-104 of the Code;

(xiii) Article 24, § 11-512, § 11-513, or § 11-514 of the Code;

(xiv) § 109 of the Code of Public Local Laws of Caroline County;

(xv) § 4-103 of the Code of Public Local Laws of Carroll County; or

(xvi) § 8A-1 of the Code of Public Local Laws of Talbot County

[Current through all acts of the 2010 Regular Session]

## Annapolis Municipal Code

### Title 11. Public Peace, Morals And Welfare

#### Chapter 11.44. Weapons

##### 11.12.120 Public peace and order.

A violation of any provision of this chapter is declared a municipal infraction and for each violation the person is subject to a fine as established by resolution of the City Council.

(Ord. O-5-04 § 1 (part), 2004; Ord. O-1-99 § 1 (part))

**11.44.030. Firearms and ammunition - Registrar 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.

**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.

##### 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.

[Annapolis Municipal Code current through Ordinance No. O-41-09, amended July 27, 2009]

## Anne Arundel County Code

### Article 9. Crimes and Civil Offenses, and Fines

#### Title 1. Crimes

##### Subtitle 6. Weapons

##### 9-1-604. Explosives.

(a) Except in a place for blasting or in the course of transportation, a person may not store or possess more than 100 pounds of gunpowder or any quantity of dynamite, nitroglycerine, or other explosive in the County.

(b) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300. If a corporation violates any provision of this section, the president of the corporation or any officer or member of its board of directors may be prosecuted for the violation.

### Article 18. Zoning

#### Title 10. Requirements for Conditional Uses

##### 18-10-119. 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.

[Anne Arundel County Code current through May 2009]

## Baltimore City Code

### Article 19. Police Ordinances

#### Subtitle 59. Weapons

##### Part 1. Firearms - In General

##### 59-4. Toy cartridge pistols.

(a) **Sale, etc., prohibited.** It shall not be lawful for any person or persons to sell, give away, or dispose of in any manner, what is known as "the toy cartridge pistol" within the limits of the City of Baltimore under a penalty of \$10 for each and every offense, the same to be collected as other fines and penalties are collected.

##### 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.

(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.

**[Baltimore City Code current through August 31, 2009]**

---

---

## Baltimore County Code

---

---

### Article 17. Miscellaneous Provisions and Offenses

#### Title 2. Firearms and 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.

**[Baltimore County Code current through Bill No. 38-09]**

---

---

## Montgomery County Code

---

---

### Chapter 57. Weapons

**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 one (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 one (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 match-lock, 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 one (1) or more barrels less than sixteen (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 twenty-six (26) inches.

(5) The term "short-barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alternation, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (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 twelve (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.

**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. ...

**Vehicle:** Any motor vehicle, as defined in the Transportation Article of the Annotated Code of Maryland, trains, aircraft and vessels.

#### **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.

#### **57-8. Child safety handgun devices and handguns.**

##### **(a) Findings. ...**

##### **(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.

**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, sections 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, sections 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. (1981 L.M.C., ch. 42, § 1; [2001 L.M.C., ch.11](#), § 1; [2004 L.M.C., ch. 22](#), §1.)

#### **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 percent, 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.

#### **57-12. Sale of fixed ammunition.**

(a) **Legislative intent.** The purpose of this section is to provide support to state and local law enforcement officials in their efforts against crime and violence by placing controls on the flow of dangerous ammunition, in addition to those provided by federal law, and to encourage compliance with the state police department's program of voluntary firearm registration. It is not the purpose of this section to place any undue or unnecessary restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, or to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes. It is not the purpose of this section to create, nor does it permit the creation of, any separate system of county registration of firearms or ammunition, or the levying of any county fee in connection with any registration of firearms or ammunition. It is specifically not the intent of this section to serve as a revenue generating measure.

---

---

## Charter and Code Takoma Park

---

---

### 14.16.010 Exemption from County weapons law.

Pursuant to the authority conferred by Article 23A, Section 2B of the Annotated Code of Maryland and by Section 1-203 of the Montgomery County Code, the City exempts itself from the provisions of Chapter 57, Weapons, Section 57-5A, Child Safety Handgun Devices and Handguns, and Section 57-7A, Firearms In or Near Places of Public Assembly, of the Montgomery County Code.

### 14.16.020 Definitions.

"Child safety handgun box" means a secure, lockable box designed to hold the handgun being transferred that:

1. Requires a key or combination to remove; and
2. Renders the handgun inaccessible when locked.

"Child safety handgun device" means a child safety handgun lock, child safety handgun box, or integrated mechanical safety device.

"Child safety handgun lock" means 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 external device that is:

1. Attached to a handgun with a key or combination lock; and
2. Designed to prevent a handgun from being discharged unless the device has been deactivated or removed.

"Gun" or "firearm" means a handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or any other firearm, whether loaded or unloaded, except it does not include an antique firearm.

#### 1. 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 for 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. "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 rifle bore for each single pull of the trigger.

4. "Short-barreled rifle" means a rifle having one or more barrels less than 16" in length and any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than 26".

5. "Short-barreled shotgun" means a shotgun having one or more barrels less than 18" in

**(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 fifteen dollars (\$15.00).

**(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.

**[Publisher's note:** This section was held to be invalid by the Court of Appeals in *Montgomery County, Maryland, et al. v. Atlantic Guns, Inc., et al.*, 302 Md. 540, 489 A.2d 1114 (1985), and interpreted in *Washington Suburban Sanitary Commission v. Elgin*, 53 Md. App. 452, 454 A.2d 408 (1983).]

### 57-13. Use of public funds.

(a) The County must not give financial or in-kind support to any organization that allows the display and sale of guns at a facility owned or controlled by the organization. Financial or in-kind support means any thing of value that is not generally available to similar organizations in the County, such as a grant, special tax treatment, bond authority, free or discounted services, or a capital improvement constructed by the County.

(b) An organization referred to in subsection (a) that receives direct financial support from the County must repay the support if the organization allows the display and sale of guns at the organization's facility after receiving the County support. The repayment must include the actual, original value of the support, plus reasonable interest calculated by a method specified by the Director of Finance.

**[Publisher's note:** 2001 L.M.C., ch. 11, § 2 provides that § 57-13 applies to (1) support that an organization receives from the county after Dec. 1, 2001 and (2) the display of a gun for sale at the facility after Dec. 1, 2001, and that § 57-13 expires on Dec. 1, 2011.]

**57-14. Exemptions from Chapter.** Nothing in this Chapter applies to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun. Except as provided in Sections 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a firearm on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops.

**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 Section 57-8 is a Class A civil violation.

**[Montgomery County Code current June 30, 2009]**

---

---

## Code of the Town of Cheverly

---

---

### Sec. 20-5. Supplying firearm materials or dangerous weapons to underage persons.

It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter or give away shotguns, rifles, or any long guns whatsoever, or any ammunition, powder, shot or shells for any dangerous weapon, covered by section 20-4 preceding, to any person under the age of eighteen (18) years. It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter or give away handguns of all types except those classified as antiques to any person under the age of twenty-one (21) years.

### Sec. 20-6. Explosive and combustible material.

It shall be unlawful for any person or persons to store gunpowder, oil or any other explosive or combustible material within the town, except for small quantities used to service personal or home equipment when such material is kept in safe containers.

**[Codified through Ordinance No. O-4-10, adopted October 14, 2010]**

---

---

## Municipal Code of Town of La Plata

---

---

### 143-5 Weapons.

No pawnbroker, swap shop or secondhand dealer shall receive as a pledge or purchase any revolver, pistol, blackjack or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

**[Codified through Ordinance No. 10-7, adopted August 31, 2010]**

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".

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.

"Integrated mechanical safety device" means a disabling or locking device that is built into a handgun and is designed to prevent the handgun from being discharged unless the device has been deactivated.

"Law enforcement officer" means:

1. A duly appointed member of a police force or other agency of the United States, of a State or the District of Columbia, or of a County, municipality, or other political subdivision, who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, a State or the District of Columbia, or a County, municipality, or other political subdivision;

2. Any military or militia personnel directed by the appropriate authority to keep law and order.

"Minor" means an individual younger than 18 years old.

"Place of public assembly" means:

1. A place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but is not limited to a place devoted solely to the uses of the public.

2. A place of public assembly includes, but is not limited to:

- a. A public park or other public grounds;
- b. A place of worship;
- c. A school;
- d. A public building, including its grounds and curtilage;
- e. The front or immediate area or parking lot of any store, shop, restaurant, tavern, shopping center, or other place of business; and

f. A public parking lot.

3. A place of public assembly includes all property associated with the place and located within 100 yards of the place.

#### **14.16.040 Child safety handgun devices.**

A. Findings. The unintentional discharge of handguns often causes accidental death or injury to children. Additional safeguards are needed to protect children from injury or death from the unintentional discharge of loaded and unlocked handguns. Requiring all handguns in the City to have and use handgun safety devices can prevent unintentional injuries and fatalities to children.

B. It is unlawful for any person, other than a law enforcement officer, to carry, transport or keep a handgun in the City without a child safety handgun device installed on the handgun.

#### **14.16.050 Prohibition of firearms in residences that run programs for minors.**

A. Except as provided in this section, no person shall use, carry, transport, keep or leave any firearm in any location where the person knows or reasonably should know that a minor could gain access to the firearm in a residence that is used for programs or activities primarily serving minors during the times in which such activities or programs meet. "Programs or activities primarily serving minors" include day care, child care, recreation programs, sports programs, day camps, club meetings, tutoring programs, and other organized and regular educational activities.

B. This section does not:

1. Prohibit the teaching of firearms safety training for educational purposes in the areas described in subsection (A) of this section;

2. Prohibit historic demonstrations using weapons or replicas of weapons for educational purposes in the areas described in subsection (A) of this section;

3. Apply to a law enforcement officer or to a security guard licensed to carry a firearm when the law enforcement officer or security guard is in the course of his or her employment or duty or is traveling to or from the place of employment or duty;

4. Apply to an unloaded firearm in a locked case or in a child safety handgun box; or

5. Apply to activities serving only the person's own minor child or children in the person's own residence, such as babysitting of the child or home schooling.

#### **14.16.060 Prohibition of firearms in places of public assembly.**

A. A person must not purchase, sell, transfer, possess, or transport firearms or ammunition or components for firearms in a place of public assembly.

B. This section does not:

1. Prohibit the teaching of firearms safety training or other educational use in a place of public assembly;

2. Apply to a law enforcement officer;

3. Apply to a security guard licensed to carry a firearm when the security guard is in the course of his or her employment or is traveling to or from the place of employment;

4. Apply to the possession of firearms or ammunition in a person's own home;

5. Apply to the possession of one firearm, and ammunition for the firearm at a business by either the owner or an authorized employee of the business;

6. Apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or

7. 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.

#### **14.16.070 Penalty.**

Any violation of this chapter is a Class A misdemeanor offense, and on conviction is subject to a fine of \$1,000.00 or a term of imprisonment of not more than 180 days, or both.

**[Current through Ordinance No. 2010-39, passed July 26, 2010]**