

State Laws and Published Ordinances – Maryland

Statutes current through chapter 18 of the 2020 session.

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Westernport

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Wicomico County

Criminal Law
Title 4 – Weapon Crimes
Subtitle 1 – General Provisions

Section 4-102. Deadly weapons on school property.

(a) Exceptions. This section does not apply to:

- (1) a law enforcement officer in the regular course of the officer's duty;
- (2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:
 - (i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;
 - (ii) the weapon carried or possessed by the officer or retired officer is concealed; and
 - (iii) the officer or retired officer is authorized to carry a concealed handgun in the State;
- (3) a person hired by a county board of education specifically for the purpose of guarding public school property;
- (4) a person engaged in organized shooting activity for educational purposes; or
- (5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

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

(c) Penalty.

- (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.
- (2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

Section 4-110. Restricted firearm ammunition.

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

- (1) contains explosive or incendiary material designed and intended for use in a firearm; and
- (2) has a core constructed, excluding traces of other substances, entirely from one or a combination of:
 - (i) tungsten alloys;
 - (ii) steel;
 - (iii) iron;
 - (iv) brass;
 - (v) beryllium copper;
 - (vi) depleted uranium; or
 - (vii) an equivalent material of similar density or hardness.

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

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

Subtitle 2 – Handguns

Section 4-201. Definitions.

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

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

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

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

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

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

(c) Handgun.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle 3 – Assault Weapons and Detachable Magazines

Section 4-301. Definitions.

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

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

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

(1) AA Arms AP-9 semiautomatic pistol;

(2) Bushmaster semiautomatic pistol;

(3) Claridge HI-TEC semiautomatic pistol;

(4) D Max Industries semiautomatic pistol;

(5) Encom MK-IV, MP-9, or MP-45 semiautomatic pistol;

(6) Heckler and Koch semiautomatic SP-89 pistol;

(7) Holmes MP-83 semiautomatic pistol;

(8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;

(9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire variation;

(10) P.A.W.S. type semiautomatic pistol;

(11) Skorpion semiautomatic pistol;

(12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

(13) UZI semiautomatic pistol;

(14) Weaver Arms semiautomatic Nighthawk pistol; or

(15) Wilkinson semiautomatic "Linda" pistol.

(d) "**Assault weapon**" means:

(1) an assault long gun;

(2) an assault pistol; or

(3) a copycat weapon.

(e) "**Binary trigger system**" means a device that, when installed in or attached to a firearm, fires both when the trigger is pulled and on release of the trigger.

(f) "**Bump stock**" means a device that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

(g) "**Burst trigger system**" means a device that, when installed in or attached to a firearm, allows the firearm to discharge two or more shots with a single pull of the trigger by altering the trigger reset.

(h)

(1) "**Copycat weapon**" means:

(i) a semiautomatic centerfire rifle that can accept a detachable magazine and has any two of the following:

1. a folding stock;

2. a grenade launcher or flare launcher; or

3. a flash suppressor;

(ii) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(iii) a semiautomatic centerfire rifle that has an overall length of less than 29 inches;

(iv) a semiautomatic pistol with a fixed magazine that can accept more than 10 rounds;

(v) a semiautomatic shotgun that has a folding stock; or

(vi) a shotgun with a revolving cylinder.

(2) "Copycat weapon" does not include an assault long gun or an assault pistol.

(i) "**Detachable magazine**" means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

(j) "**Flash suppressor**" means a device that functions, or is intended to function, to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.

(k) "**Hellfire trigger**" means a device that, when installed in or attached to a firearm, disengages the trigger return spring when the trigger is pulled.

(l) "**Licensed firearms dealer**" means a person who holds a dealer's license under Title 5, Subtitle 1 of the Public Safety Article.

(m)

(1) "**Rapid fire trigger activator**" means any device, including a removable manual or power-driven activating device, constructed so that, when installed in or attached to a firearm:

(i) the rate at which the trigger is activated increases; or

(ii) the rate of fire increases.

(2) "**Rapid fire trigger activator**" includes a bump stock, trigger crank, hellfire trigger, binary trigger system, burst trigger system, or a copy or a similar device, regardless of the producer or manufacturer.

(3) "**Rapid fire trigger activator**" does not include a semiautomatic replacement trigger that improves the performance and functionality over the stock trigger.

(n) "Trigger crank" means a device that, when installed in or attached to a firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever, or any other part that is turned in a circular motion.

Section 4-302. Scope of subtitle.

This subtitle does not apply to:

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

Section 4-303. Assault weapons – Prohibited.

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

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

(b) Exception.

- (1)** A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of State Police before August 1, 1994, may:
 - (i)** continue to possess and transport the assault pistol; or
 - (ii)** while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to a law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the person has notified a law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.

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

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

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

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

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

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

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

(5) A federally licensed firearms dealer may receive and possess an assault weapon received from a person in accordance with a court order to transfer firearms under Section 6-234 of the Criminal Procedure Article.

Section 4-305. Detachable magazines – Prohibited.

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

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

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

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

Section 4-305.1. Rapid fire trigger activator.

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

(1) transport a rapid fire trigger activator into the State; or

(2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a rapid fire trigger activator.

(b) Exceptions. This section does not apply to the possession of a rapid fire trigger activator by a person who:

(1) possessed the rapid fire trigger activator before October 1, 2018;

(2) applied to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2018, for authorization to possess a rapid fire trigger activator;

(3) received authorization to possess a rapid fire trigger activator from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2019; and

(4) is in compliance with all federal requirements for possession of a rapid fire trigger activator.

Subtitle 4 – Uniform Machine Gun Act

Section 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.

Section 4-402. Possession of machine gun.

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

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

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

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

- (3) the possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon;
- (4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive; or
- (5) the transportation of a lawfully possessed machine gun by a person who is carrying a court order requiring the surrender of the machine gun, if:
 - (i) the machine gun is unloaded;
 - (ii) the person has notified the law enforcement unit, barracks, or station that the machine gun is being transported in accordance with the court order; and
 - (iii) the person transports the machine gun directly to the law enforcement unit, barracks, or station.

Section 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.

(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.

(c) Registration of possession.

- (1) A person who acquires a machine gun shall register the machine gun with the Secretary of State Police:
 - (i) within 24 hours after acquiring the machine gun; and
 - (ii) in each succeeding year during the month of May.
- (2) The Secretary of State Police shall prepare and, on request of an applicant, furnish an application form for registration under this subsection.
- (3) An application for registration shall contain:
 - (i) the make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;
 - (ii) the name, address, race, gender, date of birth, Maryland driver's license number, and occupation of the person in possession of the machine gun; and
 - (iii) the name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.
- (4) Each application for registration filed with the Secretary of State Police shall be accompanied by a nonrefundable registration fee of \$10.
- (5) Registration data provided under this section is not open to public inspection.

Subtitle 5 – Destructive Devices

Section 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.

Section 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.

Section 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.

**Title 5 – Controlled Dangerous Substances, Prescriptions and Other Substances
Subtitle 6 – Crimes Involving Controlled Dangerous Substances and Paraphernalia
Part III – Related and Derivative Crimes**

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

Family Law
Title 4 – Spouses
Subtitle 5 – Domestic Violence
Part II – Household Violence

Section 4-505. Temporary protective orders.

(a) In general.

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

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

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

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

Section 4-506. Protective orders.

(f) Surrender of firearm. The final protective order shall 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 protective order.

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

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

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

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

(b) Retake possession; exception.

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

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

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

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

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

(1) the firearm is unloaded;

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

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

Health – General
Title 10 – Mental Health Law
Subtitle 6 – Admission Provisions
Part V – Hearings on Admission

Section 10-632. Notice and time of hearing; hearing officer; decision

(i) Surrendering firearms. If a hearing officer enters an order for involuntary commitment under Part III of this subtitle and the hearing officer determines that the individual cannot safely possess a firearm based on credible evidence of dangerousness to others, the hearing officer shall order the individual who is subject to the involuntary commitment to:

- (1) Surrender to law enforcement authorities any firearms in the individual's possession; and
- (2) Refrain from possessing a firearm unless the individual is granted relief from firearms disqualification in accordance with § 5-133.3 of the Public Safety Article.

Public Safety
Title 5 – Firearms
Subtitle 1 – Regulated Firearms

Section 5-101. Definitions.

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

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

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

(1) "Convicted of a disqualifying crime" includes

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

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

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

(i) for assault in the second degree, unless the crime was a domestically related crime as defined in Section 6-233 of the Criminal Procedure Article; or

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

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

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

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

(5) carjacking and armed carjacking;

(6) escape in the first degree;

(7) kidnapping;

(8) voluntary manslaughter;

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

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

(11) murder in the first or second degree;

(12) rape in the first or second degree;

(13) robbery;

(14) robbery with a dangerous weapon;

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

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

(17) A felony offense under Title 3, Subtitle 11 of the Criminal Law Article;

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

(19) assault with intent to commit any of the crimes listed in items (1) through (17) of this subsection or a crime punishable by imprisonment for more than 1 year.

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

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

(2) repairing firearms.

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

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

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

(1) a crime of violence;

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

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

(h) Firearm.

(1) "Firearm" means:

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

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

(2) "Firearm" includes a starter gun.

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

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

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

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

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

(n) Handgun.

(1) "Handgun" means a firearm with a barrel less than 16 inches in length.

(2) "Handgun" includes signal, starter, and blank pistols.

(o) Handgun qualification license. "Handgun qualification license" means a license issued by the Secretary that authorizes a person to purchase, rent, or receive a handgun.

(p) Licensee. "Licensee" means a person who holds a dealer's license.

(q) Qualified handgun instructor. "Qualified handgun instructor" means a certified firearms instructor who:

(1) is recognized by the Maryland Police and Correctional Training commissions;

(2) has a qualified handgun instructor license issued by the Secretary; or

(3) has a certification issued by a nationally recognized firearms organization.

(r) Regulated firearm. "Regulated firearm" means:

(1) a handgun; or

(2) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:

(i) American Arms Spectre da Semiautomatic carbine;

- (ii)** AK-47 in all forms;
- (iii)** Algimec AGM-1 type semi-auto;
- (iv)** AR 100 type semi-auto;
- (v)** AR 180 type semi-auto;
- (vi)** Argentine L.S.R. semi-auto;
- (vii)** Australian Automatic Arms SAR type semi-auto;
- (viii)** Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- (ix)** Barrett light .50 cal. semi-auto;
- (x)** Beretta AR70 type semi-auto;
- (xi)** Bushmaster semi-auto rifle;
- (xii)** Calico models M-100 and M-900;
- (xiii)** CIS SR 88 type semi-auto;
- (xiv)** Claridge HI TEC C-9 carbines;
- (xv)** Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;
- (xvi)** Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
- (xvii)** Dragunov Chinese made semi-auto;
- (xviii)** Famas semi-auto (.223 caliber);
- (xix)** Feather AT-9 semi-auto;
- (xx)** FN LAR and FN FAL assault rifle;
- (xxi)** FNC semi-auto type carbine;
- (xxii)** F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- (xxiii)** Steyr-AUG-SA semi-auto;
- (xxiv)** Galil models AR and ARM semi-auto;
- (xxv)** Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- (xxvi)** Holmes model 88 shotgun;
- (xxvii)** Avtomat Kalashnikov semiautomatic rifle in any format;
- (xxviii)** Manchester Arms "Commando" MK-45, MK-9;
- (xxix)** Mandell TAC-1 semi-auto carbine;
- (xxx)** Mossberg model 500 Bullpup assault shotgun;
- (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".

(s) Rent. "Rent" means the temporary transfer for consideration of a regulated firearm that is taken from the property of the owner of the regulated firearm.

(t) Secondary sale. "Secondary sale" means a sale of a regulated firearm in which neither party to the sale:

(1) is a licensee;

(2) is licensed by the federal government as a firearms dealer;

(3) devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of earning a profit through the repeated purchase and resale of firearms; or

(4) repairs firearms as a regular course of trade or business.

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

(v) Straw purchase. "Straw purchase" means a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:

(1) complete the application to purchase a regulated firearm;

(2) take initial possession of the regulated firearm; and

(3) subsequently transfer the regulated firearm to the person.

Section 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.

Section 5-103. Effect of subtitle.

This subtitle does not affect:

(1) a sale or transfer for bona fide resale of a regulated firearm in the ordinary course of business of a licensee; or

(2) a sale, rental, transfer, or the use of a regulated firearm by a person authorized or required to do so as part of the person's duties as a member of:

(i) an official police force or other law enforcement agency;

(ii) the armed forces of the United States, including all official reserve organizations; or

(iii) the Maryland National Guard.

Section 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.

Section 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.

Section 5-107. Application for dealer's license.

(a) In general.

(1) An applicant for a dealer's license shall:

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

(ii) pay to the Secretary an application fee of \$50, payable to the Comptroller.

(2) A refund or proration of the application fee is prohibited.

(b) Required information. An application for a dealer's license shall contain:

(1) the applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, and signature;

(2) a clear and recognizable photograph of the applicant, unless the photograph has been submitted with a prior year's application;

(3) a set of the applicant's fingerprints, unless the fingerprints have been submitted with a prior year's application; and

(4) a statement by the applicant that the applicant:

(i) is a citizen of the United States;

(ii) is at least 21 years old;

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

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

(v) is not a fugitive from justice;

(vi) is not a habitual drunkard;

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

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

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

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

Section 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.

Section 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.

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

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

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

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

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

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

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

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

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

(1) the disapproval of the application; and

(2) the reason the application was denied.

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

(d) Appeal.

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

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

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

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

(ii) the application was not properly completed.

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

Section 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.

Section 5-112. Non-transferability of dealer's license; new place of business.

(a) Non-transferability 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.

Section 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.

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

(a) Suspensions.

(1) The Secretary shall suspend a dealer's license if the licensee:

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

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

(2)

(i) The Secretary may suspend a dealer's license if the licensee is not in compliance with the record keeping and reporting requirements of § 5-145 of this subtitle.

(ii) The Secretary may lift a suspension under this paragraph after the licensee provides evidence that the record keeping violation has been corrected.

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

(1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or

(2) the licensee:

(i) is convicted of a disqualifying crime;

(ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

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

(vi) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;

(vii) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5-406 of this title; or

(viii) has knowingly or willfully participated in a straw purchase of a regulated firearm.

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

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

Section 5-115. Suspensions and revocations – Hearings.

(a) Right to hearing.

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

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

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

Section 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.

Section 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.

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

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

(1) a licensed firearms manufacturer;

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

(3) a member or retired member of the armed forces of the United States or the National Guard; or

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

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

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

(1)

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

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

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

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

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

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

(1) is at least 21 years old;

(2) is a resident of the State;

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

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

(ii) classroom instruction on:

1. State firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation; and

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

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

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

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

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

(3) is a qualified handgun instructor;

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

(5) is an employee of an armored car company and has a permit issued under Title 5, Subtitle 3 of this article; or

(6) lawfully owns a regulated firearm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)

(i) proof of satisfactory completion of:

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

(ii) a valid firearms instructor certification;

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

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

(h) Issuance of handgun qualification license.

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

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

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

1. the reason the application was denied; and
2. a statement of the applicant's appeal rights under subsection (l) of this section.

(2)

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

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

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

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

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

(j) Renewal of handgun qualification license.

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

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

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

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

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

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

(k) Revocation.

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

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

(l) Denial or revocation of license – Hearing.

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

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

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

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

(m) Replacement of lost or stolen licenses.

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

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

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

Section 5-118. Firearm application.

(a) In general. A firearm applicant shall:

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

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

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

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

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

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

(i) is at least 21 years old;

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

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

(iv) is not a fugitive from justice;

(v) is not a habitual drunkard;

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

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

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

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

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

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

(xii) is not under the protection of a guardian appointed by a court under § 13-201(c) or § 13-705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;

(xiii) is not a respondent against whom:

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

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

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

(4) unless the applicant is excluded under Section 5-117.1(a) of this subtitle, the applicant's handgun qualification license number.

(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.

Section 5-120. Copies of firearm application; fees.

(a) Copy to Secretary.

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

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

(b) Other copies.

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

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

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

Section 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.

Section 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.

Section 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.

Section 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.

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

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

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

Section 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.

Section 5-127. Judicial review.

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

Section 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.

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

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

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

(2)

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

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

(iii)

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

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

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

(b) Application.

(1) The application for a multiple purchase shall:

- (i)** list the regulated firearms to be purchased;
- (ii)** state the purpose of the purchase of more than one regulated firearm in a 30-day period;
- (iii)** be witnessed by a licensee or designated law enforcement agency; and
- (iv)** be signed under the penalty of perjury by the firearm applicant.

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

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

Section 5-130. Gun shows.

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

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

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

(d) Application for temporary transfer permit.

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

- (i)** submit to the Secretary an application on the form that the Secretary provides; and
- (ii)** pay to the Secretary a fee of \$10 for each calendar year.

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

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

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

(g) Investigation of application; grounds for disapproval.

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

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

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

- (i)** the applicant supplied false information or made a false statement; or
- (ii)** the application is not properly completed.

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

(h) Label and display.

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

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

(i) Five permit limit.

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

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

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

Section 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....**

(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.

Section 5-133. Restrictions on possession of regulated firearms.

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

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

- (1) has been convicted of a disqualifying crime;
- (2) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
- (3) is a fugitive from justice;
- (4) is a habitual drunkard;
- (5) is addicted to a controlled dangerous substance or is a habitual user;
- (6) suffers from a mental disorder as defined in § 10-101(i)(2) of the Health - General Article and has a history of violent behavior against the person or another;
- (7) has been found incompetent to stand trial under § 3-106 of the Criminal Procedure Article;
- (8) has been found not criminally responsible under § 3-110 of the Criminal Procedure Article;
- (9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10-101 of the Health - General Article;
- (10) has been involuntarily committed to a facility as defined in § 10-101 of the Health - General Article;
- (11) is under the protection of a guardian appointed by a court under § 13-201(c) or § 13-705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- (12) except as provided in subsection (e) of this section, is a respondent against whom:
 - (i) a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article; or
 - (ii) an order for protection, as defined in § 4-508.1 of the Family Law Article, has been issued by a court of another state or a Native American tribe and is in effect; or
- (13) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

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

- (1) A person may not possess a regulated firearm if the person was previously convicted of:
 - (i) a crime of violence;
 - (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, § 5-614, § 5-621, § 5-622 or § 5-622 of the Criminal Law Article; or
 - (iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.

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

- (1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm.
- (2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:
 - (i) the temporary transfer or possession of a regulated firearm if the person is:

1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and
 2. acting with the permission of the parent or legal guardian of the transferee or person in possession;
- (ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;
- (iii) a member of the armed forces of the United States or the National Guard while performing official duties;
- (iv) the temporary transfer or possession of a regulated firearm if the person is:
1. participating in marksmanship training of a recognized organization; and
 2. under the supervision of a qualified instructor;
- (v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or
- (vi) the possession of a firearm for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.
- (e) Exception if carrying civil protective order. This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protective order requiring the surrender of the regulated firearm and:
- (1) the regulated firearm is unloaded;
 - (2) the respondent has notified the law enforcement unit, barracks, or station that the regulated firearm is being transported in accordance with the civil protective order; and
 - (3) the respondent transports the regulated firearm directly to the law enforcement unit, barracks, or station.
- (f) This section does not apply to the carrying or transporting of a regulated firearm by a person who is carrying a court order requiring the surrender of the regulated firearm, if:
- (1) the firearm is unloaded;
 - (2) the person has notified a law enforcement unit, barracks, or station that the firearm is being transported in accordance with the order; and
 - (3) the person transports the firearm directly to a State or local law enforcement agency or a federally licensed firearms dealer.

Section 5-133.1. Restrictions on possession of ammunition.

- (a) "**Ammunition**" defined. In this section, "ammunition" means a cartridge, shell, or any other device containing explosive or incendiary material designed and intended for use in a firearm.
- (b) In general. A person may not possess ammunition if the person is prohibited from possessing a regulated firearm under § 5-133 (b) or (c) of this subtitle.

Section 5-133.3. Relief from firearms disqualification.

- (a) "**Health Department**" defined. In this section, "Health Department" means the Maryland Department of Health.
- (b) In general. A person subject to a regulated firearms disqualification under § 5-133(b)(6), (7), (8), (9), (10), or (11) of this subtitle, a rifle or shotgun disqualification under § 5-205(b)(6), (7), (8), (9), (10), or (11) of this title, or prohibited from the shipment, transportation, possession, or receipt of a firearm by 18 U.S.C. §§ 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in the State may be authorized to possess a firearm if:
- (1) the person is not subject to another firearms restriction under State or federal law; and
 - (2) the Health Department, in accordance with this section, determines that the person may possess a firearm.
- (c) Application. A person who seeks relief from a firearms disqualification shall file an application with the Health Department in the form and manner set by the Health Department.
- (d) Required information. An application for relief from a firearms disqualification shall include:
- (1) a complete and accurate statement explaining the reason why the applicant is prohibited from possessing a regulated firearm under § 5-133(b)(6), (7), (8), (9), (10), or (11) of this subtitle or a rifle or shotgun under § 5-205(b)(6), (7), (8), (9), (10), or (11) of this title, or is prohibited from the shipment, transportation, possession, or receipt of a firearm by 18 U.S.C. §§ 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in the State;
 - (2) a statement why the applicant should be relieved from the prohibition described in item (1) of this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the application is not properly completed; or

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

(f) Approval.

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

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

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

(g) Hearing on denial of application.

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

(2)

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

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

(3)

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

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

(h) Board of Review of Health Department does not have jurisdiction to review final decision. The Board of Review of the Health Department does not have jurisdiction to review a final decision of the Health Department under this section.

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

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

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

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

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

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

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

(2) has been convicted of a disqualifying crime;

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

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

(5) is a fugitive from justice;

(6) is a habitual drunkard;

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

(8) suffers from a mental disorder as defined in § 10-101(i)(2) of the Health - General Article, and has a history of violent behavior against the purchaser, lessee, borrower, 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;

(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; or

(15) intends to use the regulated firearm to:

(I) commit a crime; or

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

(c) Exemption from certified firearms training course requirement. A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section if the person:

(1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section;

(2) is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

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

(5) has been issued a permit to carry a handgun under Subtitle 3 of this title; or

(6) is the borrower of a firearm.

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

(1) A person may not sell, rent, or transfer:

(i) ammunition solely designed for a regulated firearm to a person who is under the age of 21 years; or

(ii)

1. a firearm other than a regulated firearm to a minor;

2. ammunition for a firearm to a minor;

4. another deadly weapon to a minor.

Section 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.

Section 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.

Section 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.

Section 5-139. False information or misstatement in application.

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

Section 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.

Section 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.

Section 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.

Section 5-144. Knowing participation in violation of subtitle.

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

- (1)** knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle; or
- (2)** knowingly violate § 5-142 of this subtitle.

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

(a) In general.

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

(2) The Secretary shall adopt regulations specifying:

- (i)** subject to paragraph (3) of this subsection, the information that the records shall contain;
- (ii)** the time period for which the records are to be kept; and
- (iii)** the form in which the records are to be kept.

(3) The records shall include:

- (i)** the name and address of each person from whom the dealer acquires a firearm and to whom the dealer sells or otherwise disposes of a firearm;
- (ii)** a precise description, including make, model, caliber, and serial number of each firearm acquired, sold, or otherwise disposed of; and
- (iii)** the date of each acquisition, sale, or other disposition.

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

(b) Submission of information to Secretary.

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

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

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

(d) Response required within 48 hours of request.

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

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

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

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

(f) Inspections. The Secretary:

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

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

Section 5-146. Lost or stolen regulated firearms.

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

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

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

Subtitle 2 – Rifles and Shotguns

Section 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.

Section 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.

Section 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.

Section 5-204. Purchasers of rifles or shotguns.

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

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

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

Section 5-205. Disqualification for possession.

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

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

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

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

(3) is a fugitive from justice;

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

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

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

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

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

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

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

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

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

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

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

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

(c) Exemptions. This section does not apply to:

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

(i) the rifle or shotgun is unloaded;

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

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

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

(i) the rifle or shotgun is unloaded;

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

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

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

Section 5-206. Possession of rifle or shotgun prohibited.

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

(1) a crime of violence as defined in § 5-101 of this title;

(2) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article; or

(3) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (1) or (2) of this subsection if committed in this State.

Subtitle 4 – Handgun Roster

Section 5-401. Definitions.

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

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

(c) **Handgun.**

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

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

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

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

Section 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.

Section 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.

Subtitle 6 – Extreme Risk Protective Orders

Section 5-601. Definitions.

- (a)** In general. In this subtitle the following words have the meanings indicated.
- (b) Ammunition.** "Ammunition" has the meaning stated in § 5-133.1 of this title.
- (c) Extreme risk protective order.** "Extreme risk protective order" means a civil interim, temporary, or final protective order issued in accordance with this subtitle.
- (d) Firearm.** "Firearm" has the meaning stated in § 5-101 of this title.
- (e) Petitioner.**

(1) "Petitioner" means an individual who files a petition for an extreme risk protective order under this subtitle.

(2) "Petitioner" includes:

- (i) a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual;
- (ii) a law enforcement officer;
- (iii) the spouse of the respondent;
- (iv) a cohabitant of the respondent;
- (v) a person related to the respondent by blood, marriage, or adoption;
- (vi) an individual who has a child in common with the respondent;
- (vii) a current dating or intimate partner of the respondent; and
- (viii) a current or former legal guardian of the respondent.

(f) Respondent. "Respondent" means a person against whom a petition for an extreme risk protective order is filed.

Section 5-603. Interim extreme risk protective order.

(a) Findings and factors.

(1) When a petition is filed with a District Court commissioner under § 5-602(b)(2) of this subtitle, the commissioner may enter an interim extreme risk protective order to prohibit the respondent from possessing a firearm if the commissioner finds that there are reasonable grounds to believe that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm.

(3) The interim extreme risk protective order shall:

(i) order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent's possession; and

(ii) prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the interim extreme risk protective order.

Section 5-604. Temporary extreme risk protective order.

(a) Findings and factors.

(1) After a hearing on a petition, whether ex parte or otherwise, a judge may enter a temporary extreme risk protective order to prohibit the respondent from possessing a firearm if the judge finds that there are reasonable grounds to believe that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm.

(3) The temporary extreme risk protective order shall:

(i) order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent's possession; and

(ii) prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the temporary extreme risk protective order.

Section 5-605. Final extreme risk protective order.

(c) Conducting hearing; considerations; content; emergency evaluation.

(3) The final extreme risk protective order shall:

(i) order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent's possession; and

(ii) prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the interim extreme risk protective order.

Section 5-608. Firearm or ammunition surrendered or seized

(a) General procedure.

(1) A law enforcement officer who takes possession of a firearm or ammunition in accordance with an extreme risk protective order shall, at the time the firearm or ammunition is surrendered or seized:

(i) issue a receipt identifying, by make, model, and serial number, all firearms and ammunition that have been surrendered or seized;

(ii) provide a copy of the receipt to the respondent;

(iii) retain a copy of the receipt; and

(iv) provide information to the respondent on the process for retaking possession of the firearms and ammunition on the expiration or termination of the order.

(2) A law enforcement agency shall transport and store any firearm surrendered or seized in accordance with an extreme risk protective order:

(i) in a protective case, if one is available; and

(ii) in a manner intended to prevent damage to the firearm during the time the extreme risk protective order is in effect.

(3) A law enforcement agency may not place any mark on a seized or surrendered firearm for identification or other purposes.

(b) Request for return of firearm or ammunition.

(1) On expiration or termination of an extreme risk protective order, a law enforcement agency that holds any firearm or ammunition surrendered or seized in accordance with the expired or terminated order shall notify the respondent that the respondent may request the return of the firearm or ammunition.

(2) A law enforcement agency shall return a firearm or ammunition to a respondent only after the law enforcement agency verifies that the respondent is not otherwise prohibited from possessing the firearm or ammunition.

(3) Subject to paragraph (2) of this subsection, on request of the respondent, a law enforcement agency shall return all firearms and ammunition belonging to the respondent not later than:

(i) 14 days after the expiration of an interim or temporary extreme risk protective order;

(ii) 14 days after a court terminates a final extreme risk protective order; or

(iii) 48 hours after the expiration of a final extreme risk protective order.

(c) When respondent does not wish to recover firearm or ammunition. --

(1) A respondent who does not wish to recover a firearm or ammunition seized or surrendered in accordance with an extreme risk protective order, or who is prohibited from possessing firearms or ammunition under this title, may:

(i) sell or transfer title to the firearm or ammunition to:

1. a licensed firearms dealer; or

2. another person who is not prohibited from possessing the firearm or ammunition under State or federal law and who does not live in the same residence as the respondent; or

(ii) request the destruction of the firearm or ammunition.

(2) A law enforcement agency shall transfer possession of a firearm or ammunition to a licensed firearms dealer or a person described in paragraph (1)(i)2 of this subsection only after:

(i) the licensed firearms dealer or other person provides written proof that the respondent has agreed to transfer the firearm or ammunition to the dealer or person; and

(ii) the law enforcement agency verifies the agreement with the respondent.

(3) On request of the respondent, a law enforcement agency may destroy firearms or ammunition seized or surrendered in accordance with an extreme risk protective order.

(d) When individual who is not respondent claims ownership. If an individual other than the respondent claims ownership of a firearm or ammunition seized or surrendered in accordance with an extreme risk protective order, the law enforcement agency shall return the firearm or ammunition to the individual if:

(1) the individual provides proof of ownership of the firearm or ammunition; and

(2) the law enforcement agency determines that the individual is not prohibited from possessing the firearm or ammunition.

(e) Procedure when firearm or ammunition is not reclaimed. If a firearm or ammunition is not reclaimed within 6 months after the provision of notice to a respondent under subsection (b) of this section:

(1) no party shall have the right to assert ownership of the firearm or ammunition; and

(2) the law enforcement agency holding the firearm or ammunition may destroy the firearm or ammunition.

Title 11 – Explosives

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

Section 11-105. License required; exceptions.

(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.

Section 11-115. Prohibited acts; penalty Explosives for use in firearms; required reports

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

(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.

Criminal Law
Title 4 – Weapon Crimes
Subtitle 2 – Handguns

Section 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.

Annapolis Code of Ordinances

Current through Ordinance O-6-20, passed April 27, 2020. (Supplement 2020, Update 6)

Title 11 – Public Peace, Morals and Welfare
Chapter 11.44 – Weapons

Section 11.44.030. Firearms and ammunition, Register of purchasers.

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

Section 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.

Section 11.44.050. Firearms and ammunition, Minors under eighteen years.

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

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

Anne Arundel County Code of Ordinances
Current through February 2020.

Article 18 – Zoning
Title 5 – Commercial Districts
Subtitle – In General

Section 18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

| Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses | C1 | C2 | C3 | C4 |
|--|----|----|----|----|
| Gunsmiths and ammunition sales facilities | | | | P |

Title 10. Requirements for Conditional Uses

Section 18-10-128. Home occupations.

A home occupation shall comply with all of the following requirements.

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

Baltimore Code of Ordinances
Current through June 7, 2020.

Article 19 – Police Ordinances
Subtitle 59 – Weapons
Part 2 – Firearms – Access by Minors

Section 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.

Section 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.

Section 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.

Part 2A – Firearms – Reporting Theft or Loss

Section 59-17. “Firearm” defined.

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

Section 59-18. Reporting required.

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

Baltimore Health Code

Current through Ordinance June 7, 2020.

**Title 14 – Ammunition Sales
Ammunition Sales to Minors**

Section 4-101. Definitions.

(a) In general. In this title, 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) Firearm. “Firearm” means any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm.

(d) Minor. "Minor" means any person under the age of 18.

Section 14-103. Sale, etc., to minors prohibited.

No person may sell, give, or otherwise transfer, or attempt to sell, give, or otherwise transfer any ammunition to a minor.

Section 14-104. Purchase, etc., by minors prohibited.

No minor may:

- (1) purchase or attempt to purchase any ammunition; or
- (2) possess any ammunition in any public place.

Baltimore County Code of Ordinances

Current through Resolution 21-20, effective July 1, 2020. (Supplement 14)

**Article 17 – Miscellaneous Provisions and Offenses
Title 2 – Firearms & Weapons**

Section 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.

**Article 21 – Permits, Licenses, and Business Regulation
Title 23 – Secure All Firearms Effectively (SAFE) Act**

Section 21-23-101. Definitions.

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

(b) Dealer.

(1) "Dealer" means a person who is engaged in the business of selling, renting, or transferring firearms at wholesale or retail in space open or advertised to the public.

(2) "Dealer" includes the dealer's agent.

(c) Firearm. "Firearm" means:

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

(2) The frame or receiver of such a weapon.

(d) Gun show.

(1) "Gun show" means any organized gathering open to the public at which any firearm is displayed.

(2) For the purposes of this title, an organized gathering is a gun show only if a firearm may be sold, rented, or transferred at wholesale or retail at the gun show.

(e) Person.

(1) "Person" means any individual, corporation, partnership, joint venture, firm, association, or other entity.

(2) "Person" does not include a governmental entity or an instrumentality or unit of a governmental entity.

(f) Place of public assembly. "Place of public assembly" means a location used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, shopping, awaiting transportation or similar uses.

Section 21-23-102. Application.

This title applies to dealers selling, renting, or transferring at wholesale or retail firearms within 100 yards of or in a park, house of worship, school, public building or other place of public assembly.

Section 21-23-103. License required.

A person may not do business as a dealer without having first obtained a license to do so from the Director.

Editor's note: Section 2 of Bill No. 72-19 provides that any firearms dealer in existence on or before the effective date of this Act that would otherwise be subject to the requirements of §§ 21-23-101 through 21-23-108 and 21-23-110 through 21-23-116 of the Baltimore County Code, 2015 shall comply with the requirements of those sections not more than 180 days after the effective date of regulations adopted under this Act.

Section 21-23-104. Fee; duration; cessation of business.

(a) Application fee. The Director may not charge a license application fee or a fee for a license required by this title.

(b) Duration of license. A license shall be issued for one year.

(c) Cessation of business as dealer. If a person required to be licensed under this title ceases to do business as a dealer, the license shall be returned to the Department on cessation of transactions involving the transfer of firearms.

Section 21-23-105. License application.

(a) Submission. An application for a license shall be submitted to the Department on a form required by the Director.

(b) Inclusion on application. An application shall include a statement attesting to the truth of the information provided under penalties of perjury, which shall be signed by:

(1) Each individual listed on the application; or

(2) If the applicant is a corporation, association, partnership, sole proprietorship, or other business entity, each authorized officer, director, or general partner of the applicant.

(c) Minors. A minor may not receive a license under this title.

(d) Change of information. During the term of the license, if there is a change in the information that a person provided in an application for a license or license renewal, the person shall:

(1) Report the change to the Department within 30 days after the change occurs; and

(2) Certify, under penalties of perjury, that the new information is correct.

(e) Governmental inspection. An application shall include an authorization for governmental inspection, including inspection by the Chief of Police, of the premises or any off-site storage location at any time for the purpose of ensuring compliance with this title.

Section 21-23-106. Director approval.

The Director shall approve an application unless:

(1) The information provided by the applicant is incorrect or incomplete;

(2) The premises listed in the application does not comply with the county's health, zoning, fire, or building code requirements; or

(3) The Chief of Police denies the applicant's monitoring and physical security plan because it does not comply with the requirements of § 21-23-108 of this title, and sets forth the reasons for that decision.

Section 21-23-107. Transference of license and relocation of establishment.

- (a) License nontransferable. A license to do business as a dealer may not be transferred from one person to another.
- (b) Notification of relocation. of A person who holds a license under this title shall notify the Director in writing before moving the establishment or any off-site storage location from one location to another location.

Section 21-23-108. Review; monitoring; security elements.

- (a) Scope. This section does not apply to a gun show.
- (b) Chief of Police review.
 - (1) The Chief of Police shall review all monitoring and physical security plans for compliance with this section.
 - (2) The Chief of Police shall approve or deny a plan for compliance within sixty (60) days of receipt of the plan.
 - (3) A dealer may not have firearm inventory on the business premises until after the Chief of Police has confirmed implementation of the approved plan.
- (c) Monitoring of business. The business premises of a dealer shall be monitored at all times by a video system and an alarm system registered in accordance with Article 13, Title 11, Subtitle 2 of the Code.
- (d) Security elements.
 - (1) The business premises of a dealer shall be secured by the following exterior physical security elements:
 - (i) Bollards, concrete barriers, steel barricades, planters, landscape boulders or another physical barrier that prevents intrusion into the building;
 - (ii) Security gates, screens, shutters, bars, or grilles over windows and doors, or a secure vestibule for doors.
 - (2) As an alternative to the exterior physical security elements required in subsection (d)(1), the Chief of Police may approve another combination of exterior physical security elements that provide an adequate level of protection.
- (e) Closed business. When the business premises is closed:
 - (1) All firearms inventory within the business premises shall be secured in a safe, in a secured room or cage, in smash-proof display cases, or behind security shutters.
 - (2) As an alternative to the interior physical security elements in subsection (e)(1), the Chief of Police may authorize the dealer to provide live security guard coverage.

Section 21-23-109. Security plan for gun shows.

- (a) Requirement and compliance.
 - (1) A person promoting or sponsoring a gun show shall have a security plan for the gun show premises approved by the Chief of Police.
 - (2) Each dealer participating in the gun show shall comply with the security plan.
- (b) Inclusion in plan. The security plan shall, at a minimum, include for all times that the premises are not open to the public and have firearms on-site provisions for:
 - (1) A video system and a monitored alarm system under Article 13, Title 11, Subtitle 2 of the Code; and
 - (2) Live security guard coverage.
- (c) Chief of Police to approve.
 - (1) The Chief of Police shall approve or deny a security plan within sixty (60) days of receipt of the plan for compliance with this section.
 - (2) A dealer participating in a gun show may not have firearm inventory on the premises until after the Chief of Police has confirmed implementation of the approved security plan.

Section 21-23-110. Inventory list.

- (a) Possession of inventory list. A dealer subject to this title transporting firearms for sale, within the county, shall at all times have in their possession an inventory list for each firearm being transported, which shall include, at a minimum, the make and serial number of the item.
- (b) Location of list. A copy of the inventory list shall at all times:
 - (1) Accompany the firearm;

- (2) Be available at the dealer's business premises; and
- (3) Be provided to law enforcement on request.

Section 21-23-111. Order denying, refusing to renew, revoking, or suspending a license; appeal.

(a) Reasons for order. The Director may issue an order denying, refusing to renew, revoking, or suspending a license for the following reasons:

- (1) The information provided by the licensee or applicant in the application is incorrect, incomplete, or has not been updated as required by this title;
- (2) A licensee has failed to comply with a correction notice or citation; or
- (3) The licensee or applicant has violated one or more of the provisions of this title.

(b) Deliverance of order.

- (1) An order denying, refusing to renew, revoking, or suspending a license shall be served on the licensee or applicant by certified mail, restricted delivery or by personal service.
- (2) The order shall contain the reasons for the denial, refusal to renew, revocation, or suspension.
- (3) If service cannot be obtained by certified mail, restricted delivery or personal service, the notice may be posted in a conspicuous location on the dealer's establishment.

(c) Appeal of decision.

- (1) An applicant for a license under this title whose application has been refused or a licensee whose license has been suspended or revoked may appeal the decision of the Director to the Board of Appeals within 10 days after refusal, suspension, or revocation of the license.
- (2) The Board of Appeals shall conduct a hearing on the appeal and shall affirm, reverse, or modify the decision of the Director.

Section 21-23-113. Finding of violation; consequences.

(a) Correction notice. If a violation of this title is found, the Director may provide to the dealer a correction notice that describes the violation, specifies the action necessary to correct the violation, and sets forth the time to correct the violation.

(b) Service of notice.

- (1) The Director shall serve a correction notice by certified mail, restricted delivery or by personal service or by regular mail.
- (2) If service cannot be obtained by certified mail, restricted delivery or personal service or by regular mail, the correction notice may be posted in a conspicuous location on the dealer's establishment.

(c) Failure to comply with notice.

- (1) If a dealer fails to comply with the correction notice, the Director may issue a citation and code enforcement proceedings shall continue as provided in Article 3, Title 6 of the Code.
- (2) Section 3-6-205(b) of the Code does not apply to an enforcement action for a violation of this title.

Carroll County Code of Ordinances

Current through April 16, 2020.

Title XI – Business Regulations

Chapter 112 – Pawnbrokers and Secondhand Dealers

Section 112.02. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined in this chapter shall have the meaning as defined in any chapter of the County Code. Any term not defined in the County Code in any chapter shall have its generally accepted meaning.

Item. Tangible personal property, including but not limited to a household appliance, ... firearm, radio, television set, MP3 player, cellular telephone, personal digital assistant (PDA), video game system, video game accessory or component, or audio or stereo equipment.

Pawnbroker or Secondhand Dealer Establishment. A person with a fixed place of business where pawnbroker or secondhand dealer transactions occur. A pawnbroker or secondhand dealer establishment includes both the person and its fixed place of business.

Person. An individual, corporation, partnership, business trust, limited liability company, or any other type of business entity.

Secondhand Dealer. A person that engages in secondhand dealer transactions. Secondhand dealer does not include:

- (1) A charitable, religious, or nonprofit organization, if the exchange of items for consideration is incidental to the organization's primary activity;
- (2) An antique show, trade show, convention, or auction;
- (3) A flea market;
- (4) A person whose primary retail trade is new and unused video game components, video game systems, video games, or video game accessories; or
- (5) An antique dealer.

Secondhand Dealer Transaction. Engaging in the act of receiving tangible personal property, other than secondhand precious metal objects, coins, or numismatic items, and offering the tangible personal property to the public for sale, trade, barter, or other consideration.

Section 112.05. Record keeping requirements.

(A) A pawnbroker or secondhand dealer shall maintain a record of each item purchased, bartered, exchanged, or received in the course of business, including a record of the disposition of the item.

(B) The record shall be signed by the seller and the pawnbroker or secondhand dealer or an agent or employee of the pawnbroker or secondhand dealer, and shall include:

- (1) The date, time, and place of the transaction;
- (2) The name and address of the principal, if the transaction is conducted by an agent;
- (3) A comprehensive description of the item, including any visible identification marks such as initials, name of manufacturer, model and serial number, owner-applied identification numbers, and whether the item appears to be new or in its original box or packaging;
- (4) The consideration received;
- (5) For each individual from whom the pawnbroker or secondhand dealer acquires an item:
 - (a) The name, address, telephone number, date of birth, and driver's license number of the individual; or
 - (b) Identification information about the individual that:
 1. Identifies the individual from at least two forms of identification, which may include an age of majority card, military identification, or passport; and
 2. Provides a physical description of the individual, including the gender, race, any distinguishing features, and approximate age, height, weight, hair and eye color of the individual.

(C) A secondhand firearms dealer shall maintain the above records in a paper format which shall be accessible to local law enforcement upon demand and request, which shall be retained for a period of at least three years from the date of the transaction. Secondhand firearms dealers may also submit a copy of the required records to local law enforcement via facsimile or through the Regional Automated Property Information Database (RAPID). All other pawnbrokers or secondhand dealers shall: ...

Section 112.06. Holding periods.

(A) A pawnbroker or secondhand dealer shall hold each item purchased or received in the course of business for ten calendar days after electronically submitting a copy of the record of the transaction to the appropriate law enforcement agency.

(B) A pawnbroker or secondhand dealer may submit to the appropriate law enforcement agency a written request for a shorter holding period for a specific item:

- (1) Within 96 hours after receiving the request, the appropriate law enforcement agency shall approve or deny the request.
- (2) If the appropriate law enforcement agency does not respond to the request within 120 hours, the request is deemed to be approved.

(C) During the holding period for an item, the pawnbroker or secondhand dealer:

- (1) Shall tag the item in accordance with appropriate law enforcement agency requirements;

- (2) Shall store the item in a secure location on the premises that is separate from other items;
- (3) Shall not remove the item from the pawnbroker or secondhand dealer's licensed location of business; and
- (4) Shall not offer for sale until the ten-day holding period has expired.

(D) The holding period required by this section does not apply to a pawned item that is redeemed with the original pawn ticket.

Cheverly Code of Ordinances

Current through Ordinance. O-5-18, adopted September 13, 2018. (Supplement 24)

Chapter 20 – Peace and Good Order

Section 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.

Chevy Chase Code of Ordinances

Current through Resolution 19-08, adopted July 16, 2019, effective September 1, 2019. (Supplement 31)

Chapter 1 – General Provisions

Section 1-7. Applicability of county legislation within town.

(c) The following chapters of the Montgomery County Code, 1984, or portions thereof, enacted by the county, as they now exist, are exceptions to the general exemption set forth in subsection (a) of this section and shall be applicable within the town until such time as the town council shall exempt the town from their application:

- (53) Chapter 57, entitled "Weapons."

Edmonston Code of Ordinances

Current through November 14, 2018.

Chapter 360 – Peace and Good Order

Section 360-14. Selling or giving firearms or ammunition to certain minors.

It shall be unlawful for any person, be he/she a licensed dealer or not, to sell, barter or give away shotguns, fowling pieces, rifles or any firearms whatsoever, or any ammunition, powder, shot or shells for any deadly weapon, to any minor under the age of 21 years.

Harford County Code of Ordinances

Current through June 19, 2019.

Chapter 267 – Zoning

Attachment 19 – Permitted Uses Chart

Permitted Uses Chart

| | |
|------|---|
| Key: | |
| "SE" | Indicates permitted subject to special-exemption regulations, pursuant to Article IX. |
| | A blank cell indicates that the use is not permitted. |

| Use Classification | Zoning Districts | | | | | | | | | | | | | | | |
|--------------------------------|------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| | AG | RR | R1 | R2 | R3 | R4 | RO | VR | VB | B1 | B2 | B3 | CI | LI | GI | MO |
| Industrial | | | | | | | | | | | | | | | | |
| Ammunition (SIC-3482 and 3483) | | | | | | | | | | | | | | SE | SE | |

Howard County Code of Ordinances
Current through Ordinance Bill 8-2020, adopted March 5, 2020. (Supplement 58)

Title 14 – Licenses, Permits and Inspections
Subtitle 10 – Pawnbroker and Secondhand Dealers

Section 14-1001. Definitions.

In this subtitle the following terms have the meanings indicated:

(d) Item means tangible personal property including, but not limited to, ... firearm, radio, television set, video game system, video game accessory or component, or stereo equipment.

(f) Pawnbroker or secondhand dealer establishment means a person with a fixed place of business where pawnbroker or secondhand dealer transactions occur. A pawnbroker or secondhand dealer establishment includes both the person and its fixed place of business.

(i)

(1) Secondhand dealer means a person that engages in secondhand dealer transactions.

(2) Secondhand dealer does not include:

(i) A charitable, religious, or nonprofit organization, if the exchange of items for consideration is incidental to the organization's primary activity;

(ii) An antique show, trade show, convention, or auction;

(iii) A flea market as defined in the Howard County Zoning Regulations;

(iv) A person whose primary retail trade is new and unused video game components, video game systems, video games, or video game accessories; or

(v) An antique dealer.

(j) Secondhand dealer transaction means engaging in the act of receiving tangible personal property, other than secondhand precious metal objects, coins, or numismatic items, and offering the tangible personal property to the public for sale, trade, barter, or other consideration.

Section 14-1002. Licenses required.

(a) A person shall not own or operate a pawnbroker or secondhand dealer establishment within Howard County unless the person obtains a pawnbroker or secondhand dealer establishment license as required by this subtitle.

(b) A person shall not conduct or participate in pawnbroker or secondhand dealer transactions unless the person obtains an employee license as required by this subtitle.

Kent County Code of Ordinances

Current through August 7, 2018.

Chapter 120 – Pawnbrokers and Secondhand Dealers

Section 120-2. Definitions.

As used in this chapter, the following terms shall be defined as follows:

Item: Any piece or thing of tangible personal property, including, but not limited to, a household appliance, personal computer, compact disc player, digital video disc player, power tool, camera, firearm, radio, television set, video game system, video game accessory or component, stereo equipment, documents, drawings, paintings, or works of art, or any costume jewelry.

Person: An individual, corporation, partnership of any kind, business trust, limited liability company, or any other type of business entity legally recognized under the laws of the State of Maryland.

Regulated Business:

A. A pawnbroker, secondhand dealer, or other person engaging in any business, or conducting any business or transaction, described in this § 120-2.

B. Regulated business does not include:

(1) A charitable, religious, or nonprofit organization, if the exchange of items for consideration is incidental to the organization's primary activity;

(2) An antique show, trade show, convention, or auction. In order to qualify under this exemption, the activity must be of no more than seven days in duration at any individual location within Kent County within any twelve-month period;

(3) An antique dealer;

(7) Notwithstanding the foregoing, any of the persons described in Subsection B(3) through (6) hereof shall be considered a regulated business to the extent the person deals with items not falling within the definition of their respective businesses.

Sale or Purchase: The acquisition or disposition of an item for consideration, whether cash, trade, other item, or anything of value.

Secondhand Dealer: A person that engages in secondhand dealer transactions.

Secondhand Dealer Transaction: An act of, or engaging in the act of, purchasing items other than secondhand precious metal objects, coins, or numismatic items, and offering the tangible personal property to the public for sale, trade, barter, or other consideration.

Section 120-3. License required.

All regulated businesses must obtain all business and professional licenses as required by state and County regulations.

La Plata Code of Ordinances

Current through Ordinance 18-14, passed November 26, 2018. (Supplement 24)

Chapter 143 – Pawnbrokers, Secondhand Dealers and Swap shops

Section 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.

Laurel Code of Ordinances

Current through Ordinance 1949, adopted October 28, 2019. (Supplement 51)

Chapter 1 – General Provisions

Section 1-7.1. Application of county ordinance.

The city hereby elects to exempt itself from all legislation of the county for which the city has a grant of legislative authority provided by public general law or by its charter, except for the following provisions from the Prince George's County Code.

(9) Subtitle 14. Morals and Conduct, the following divisions:

Division 6. Weapons.

Laurel Unified Land Development Code

Current through Ordinance 1948, adopted October 28, 2019. (Supplement 10)

Chapter 20 – Land Development and Subdivision

Article I – Zoning

Division 1 – In General

Section 20-1.7. Definitions.

For the purposes of this chapter, the following words, terms, and phrases shall have the meanings respectively ascribed to them by this section:

Gun shop. Any business which engages in the sale, repair, or customizing of firearms, ammunition and firearms accessories, including handguns, rifles and shotguns, as those terms are defined in Article 27, Section 36F of the Annotated Code of Maryland.

Division 5 – Zoning Districts

Section 20-7 – Commercial Zones

Section 20-7.8. Table of commercial uses.

(a) No use shall be allowed in the Commercial Zones, except as provided for in the Table of Commercial Uses. In the table, the following applies:

(2) The letters "SE" indicate that the use is permitted, subject to the approval of a special exception in accordance with Division 4, Board of Appeals of this article.

(4) The letter "X" indicates that the use is prohibited.

| Use | C-N | C-C | C-G | C-SH | C-V | C-VAC |
|---------------|-----|-----|-----|------|-----|-------|
| Gun shop. (o) | X | X | X | SE | X | X |

(o) Gun shops subject to the following conditions:

- (1) That sale of firearms of any type shall not be made to minors.
- (2) That no gun shop shall be allowed within one hundred (100) yards of a park, church, or school.

Montgomery County Code of Ordinances
Current through March 13, 2020.

Chapter 44A – Secondhand Personal Property

Section 44A-1. Definitions.

When used in this Chapter:

Dealer means a person conducting the business of buying, receiving, or marketing secondhand personal property in the County, including:

- (1) an auctioneer; and
- (2) a person who buys, receives, markets, or assists in the sale of secondhand personal property through the Internet or another electronic method.

Firearm means a device as defined in MD Code, Public Safety, §5-101(h), as amended.

Person includes an individual, corporation, business trust, estate, trust, partnership association, 2 or more persons having a joint or common interest, or any other legal or commercial entity.

Personal property includes radios and other audio equipment; ... firearms ; bicycles; jewelry; furs, leather goods; watches; paintings; fine or historic china, crystal, glass or porcelain; objects d'art; power tools; carpets and rugs; musical instruments; and any item serialized, marked for identification purposes, or engraved.

Secondhand personal property means previously owned personal property offered for sale or as collateral by any person, other than the manufacturer, wholesale distributor, or original retail seller, acting in the ordinary course of business. Secondhand personal property does not include:

- (1) personal property purchased at a public sale; or
- (2) items of personal property that do not include a firearm that are offered for sale only on residential property and are:
 - (A) owned by a resident of the property; or
 - (B) part of the estate of a deceased immediate past resident of that property; or
- (3) items of personal property that have a resale value below a dollar threshold specified for that type of personal property in a regulation adopted under method (3).

Public sale means a sale open to the public and held in a location open and accessible to the public, with sufficient public notice of the time and place of the sale to give the public a reasonable opportunity to participate.

Section 44A-2. License required.

A person must not conduct the business of a dealer unless the person possesses a dealer's license issued by the Office of Consumer Protection, which must be displayed to the public wherever the person conducts the business of a dealer. An individual must not act as officer, employee or agent, and in that capacity engage in transactions involving secondhand personal property, for a person required to be licensed by this Chapter unless the person possesses a valid and current dealer's license.

Section 44A-3. Required books and records; reporting requirements.

(a) A dealer must keep all records and receipts required by this section at the business location for a minimum of 1 year from the date of the latest recorded transaction.

(b) A dealer must keep an electronic record, in English, of each purchase or receipt by or on behalf of the dealer at the time of the transaction. Each transaction must be recorded in an electronic format specified by regulation under method (3), which contains the following information:

- (1) The name, date of birth, address, race, sex, physical description, and signature of the person selling the item;
- (2) The driver's license number or similar proof of identification of the person selling the item;

- (3) The date and time of the transaction;
- (4) The identification, including signature, of the person making the record entry;
- (5) A full physical description of each item purchased or received by the dealer, including but not limited to, shape, size, color, and a list of all numbers, marks, monograms, trademarks, manufacturer's names, serial numbers, inscriptions and any other marks of identification appearing on the item; and
- (6) The consideration paid for each item or set of items.

(c) A dealer must give the Police:

- (1) electronic notice of each transaction within 24 hours after the transaction; and
- (2) a copy of the written record of each transaction required in subsection (b) within 7 days after the transaction.

Section 44A-4. Retention of secondhand personal property.

(a) A person must not sell, melt, change or alter (except for customary testing), take apart, destroy, obliterate identification marks, or dispose of any secondhand personal property purchased or received by a dealer until 21 days after the record of the transaction is submitted to the Police.

(b) All secondhand personal property purchased or received by a dealer must be stored at the dealer's business location until 21 days after the record of the transaction is submitted to the Police, or for such additional time per any specific item as the Police require. All stored items must be identified by a tag attached to the property numbered to correspond with the number of the transaction record. Items purchased in bulk may be tagged in bulk. The storage requirements in this subsection do not apply to a consignee who:

- (1) operates from a fixed place of business;
- (2) complies with the tagging requirements of this subsection; and
- (3) withholds payment for consignments for at least 30 days after each item is received.

(c) Items may be stored at other locations in the County approved by the Police. The dealer must produce these items at the business location within 1 hour after a request to do so by the Police. A dealer who cannot comply with a request to produce an item made after regular business hours must produce the item within 1 hour after the opening of business on the next business day.

(d) The requirements of subsections (a), (b), and (c) do not apply to secondhand personal property which has been inspected and cleared for earlier disposition by the Police under regulations adopted under method (3).

Chapter 57 – Weapons

Section 57-1. Definitions.

In this Chapter, the following words and phrases have the following meanings:

Child safety handgun box: A secure, lockable box designed to hold the handgun being transferred that:

- (1) requires a key or combination to remove;
- (2) renders the handgun inoperable when locked; and
- (3) is approved by Executive regulation under method (2).

Child safety handgun device: A child safety handgun lock or child safety handgun box.

Child safety handgun lock: A device that when locked in place prevents movement of the trigger of the handgun being transferred without first removing the lock by use of a key or combination. "Child safety handgun lock" also includes any other device that can be attached to a handgun and:

- (1) requires a key or combination to remove;
- (2) renders the handgun inoperable when locked in place; and
- (3) is approved by Executive regulation under method (2).

Crime of violence: Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than 1 year.

Firearm dealer: A person required by State or federal law to obtain a:

- (1) regulated firearms dealer's license; or

(2) temporary transfer permit to display a regulated firearm at a gun show.

Fugitive from justice: Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

Gun or firearm: Any rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

(1) The term "**antique firearm**" means (a) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) any replica of any firearm described in subparagraph (a) if such replica (i) is not designed or redesigned or using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) "**Handgun**" means any pistol, revolver or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle as these terms are defined below. "Handgun" does not include a shotgun, rifle, or antique firearm.

(3) "**Rifle**" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) The term "**short-barreled rifle**" means a rifle having 1 or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alternation, modification or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

(5) The term "**short-barreled shotgun**" means a shotgun having 1 or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(6) "**Shotgun**" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Gun shop: An establishment where a handgun, rifle, or shotgun, or ammunition or major component of these guns is sold or transferred. "Gun shop" does not include an area of an establishment that is separated by a secure, physical barrier from all areas where any of these items is located.

Gun show: Any organized gathering where a gun is displayed for sale.

Minor: An individual younger than 18 years old.

Pistol or revolver: Any gun with a barrel less than 12 inches in length that uses fixed ammunition.

Place of public assembly: A "place of public assembly" is a government owned park identified by the Maryland-National Capital Park and Planning Commission; place of worship; elementary or secondary school; public library; government-owned or -operated recreational facility; or multipurpose exhibition facility, such as a fairgrounds or conference center. A place of public assembly includes all property associated with the place, such as a parking lot or grounds of a building.

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.

Section 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.

Section 57-8. Child safety handgun devices and handguns.

(b) Child safety handgun device.

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun in the County must provide to the recipient of the handgun a child safety handgun device for the handgun at the time of the transfer. The dealer may charge for the child safety handgun device.

(2) A person who purchases or otherwise receives a handgun from a firearm dealer (or any transferor who would be a firearm dealer if the transfer occurred in the State) after October 8, 1997 must obtain a child safety handgun device for the handgun:

(A) at the time of a transfer in the County; or

(B) before entering the County with the handgun if the transfer occurred outside the County and the transferee resides in the County.

(c) Notices.

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

(A) the requirement in subsection (b) for a child safety handgun device; and

(B) the prohibition in State law of storing or leaving a loaded firearm in a location where an unsupervised child can gain access to the firearm.

(2) If the firearm dealer transferring a handgun does not maintain a place of business in a commercial establishment, the dealer must provide the notices required by paragraph (1) in writing when transferring the handgun.

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, §§ 1-101, 5-101, 5-401, 5-404, and 5-604); or

(b) has been convicted in any court of a crime of violence, trafficking in narcotics, a criminal violation of any of the provisions of Maryland Public Safety Code Annotated, §§ 5-101 to 5-138, 5-142, or any federal firearms control law; or

(c) is a fugitive from justice; or

(d) has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that the physician is familiar with the person's history of mental illness and that in the physician's opinion the person is not disabled by such illness in a manner which should prevent the person from possessing a rifle or a shotgun; or

(e) has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that the physician is familiar with the person's history of alcoholism and that, in the physician's opinion, the person is no longer suffering from a disability in such a manner which should prevent the person from possessing a rifle or shotgun.

Section 57-11. Firearms in or near places of public assembly.

(a) A person must not sell, transfer, possess, or transport a handgun, rifle, or shotgun, or ammunition for these firearms, in or within 100 yards of a place of public assembly.

(b) This section does not:

(1) prohibit the teaching of firearms safety or other educational or sporting use in the areas described in subsection (a);

(2) apply to a law enforcement officer, or a security guard licensed to carry the firearm;

(3) apply to the possession of a firearm or ammunition in the person's own home;

(4) apply to the possession of one firearm, and ammunition for the firearm, at a business by either the owner or one authorized employee of the business;

(5) apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or

(6) apply to separate ammunition or an unloaded firearm:

(A) transported in an enclosed case or in a locked firearms rack on a motor vehicle; or

(B) being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.

(c) This section does not prohibit a gun show at a multipurpose exhibition facility if:

(1) the facility's intended and actual primary use is firearms sports (hunting or target, trap, or skeet shooting) or education (firearms training); or

(2) no person who owns or operates the facility or promotes or sponsors the gun show received financial or in-kind support from the County (as defined in Section 57-13(a)) during the preceding 5 years, or after December 1, 2001, whichever is shorter; and

(A) no other public activity is allowed at the place of public assembly during the gun show; and

(B) if a minor may attend the gun show:

(i) the promoter or sponsor of the gun show provides to the Chief of Police, at least 30 days before the show:

(a) photographic identification, fingerprints, and any other information the Police Chief requires to conduct a background check of each individual who is or works for any promoter or sponsor of the show and will attend the show; and

(b) evidence that the applicant will provide adequate professional security personnel and any other safety measure required by the Police Chief, and will comply with this Chapter; and

(ii) the Police Chief does not prohibit the gun show before the gun show is scheduled to begin because:

(a) the promoter or sponsor has not met the requirements of clause (i); or

(b) the Police Chief has determined that an individual described in clause (i)(a) is not a responsible individual.

(d) Notwithstanding subsection (a), a gun shop owned and operated by a firearms dealer licensed under Maryland or federal law on January 1, 1997, may conduct regular, continuous operations after that date in the same permanent location under the same ownership if the gun shop:

(1) does not expand its inventory (the number of guns or rounds of ammunition displayed or stored at the gun shop at one time) or square footage by more than 10%, or expand the type of guns (handgun, rifle, or shotgun) or ammunition offered for sale since January 1, 1997;

(2) has secure locks on all doors and windows;

(3) physically secures all ammunition and each firearm in the gun shop (such as in a locked box or case, in a locked rack, or with a trigger lock);

(4) has adequate security lighting;

(5) has a functioning alarm system connected to a central station that notifies the police; and

(6) has liability insurance coverage of at least \$1,000,000.

Section. 57-14. Exemptions from Chapter.

Nothing in this Chapter applies to the purchase, ownership, or possession of a bona fide antique gun that is incapable of use as a gun. Except as provided in §§ 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a gun on that land for the purpose of killing predatory animals which prey on livestock.

Appendix M – Special Taxing Districts Regulations

Part 4 – Revised Regulations

Village of Friendship Heights

Section 11. Handguns.

(a) A person must not purchase, sell, transfer, possess or transport a handgun as defined in Article 27, Section 36F* and referred to in Article 27, Section 36H(a),* of the Annotated Code of Maryland, or any ammunition for or component of a handgun on or within 100 yards of parks, churches, schools, public buildings and other places of public assembly.

(b) This regulation does not apply to a person who possesses or transports a handgun, the ammunition for a handgun or the components of a handgun if:

1. The person is a: (i) law-enforcement personnel of the United States, or of the State of Maryland, or of any County or City of the State of Maryland, or of the Friendship Heights Village Council, (ii) member of the armed forces of the

United States or the National Guard while on duty or traveling to or from duty; or (iii) law-enforcement personnel of some other state or political subdivision of the state temporarily in the State of Maryland on official business; or (iv) jailer, prison guard, warden, or guard or keeper in any penal, correctional or detention institution in the State of Maryland; or (v) sheriff and temporary or full-time sheriff's deputy when on active assignment engaged in law enforcement, traveling to or from such assignment.

2. The person holds a valid permit to carry a handgun under Maryland law.

*Editor's note—Md Ann. Code art. 27, §§ 36F and 36H appear in Md. Code Ann., Crim. Law, §§ 4-201, 4-208, and 4-209 (2003).

COMCOR Code of Montgomery County Regulations

Current through April 15, 2020

Chapter 44A – Secondhand Personal Property – Regulations

Section 44A.03.01 – Secondhand Personal Property

Section 44A.03.01.01. Definitions.

When used in these regulations:

(a) Dealer means any person conducting the business of buying, obtaining, acquiring, receiving, or marketing secondhand personal property, including through the internet or another electronic method, and any person engaged as an auctioneer.

(b) Chief means the Chief of the Department of Police.

(c) Firearm means a device as defined in MD Code, Public Safety, §5-101(h), as amended.

(d) Person means an individual, corporation, business trust, estate, trust, partnership association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(e) Personal property means radios and other audio equipment; televisions and other video equipment; photographic, optical, and computer equipment; typewriters, calculators and other electronic or electrical home or office appliances, machines or equipment, firearms; bicycles; jewelry; furs; leather goods; watches; paintings; fine or historic china; crystal, glass, or porcelain; object d'art; power tools; carpets and rugs; musical instruments; and any items serialized, marked for personal identification purposes, or engraved.

(f) Secondhand personal property means previously owned personal property which is offered for sale or as collateral by any person other than the manufacturer, wholesale distributor, or original retail seller acting in the ordinary course of business. It does not include

i. personal property purchased at a public sale;

ii. jewelry; furs; leather goods; paintings; fine or historic china; crystal, glass, or porcelain; objects d'art; and carpets and rugs with a resale value of seventy-five dollars or less; or

iii. items of personal property that do not include a firearm that are offered for sale only on residential property and are:

A. owned by a resident of that property; or

B. part of the estate of a deceased immediate past resident of that property; or

C. items of personal property that have a resale value at or below seventy-five dollars.

(g) Public sale means a sale open to the public and held in a location open and accessible to the public pursuant to public notice of the time and place of the sale.

Section 44A.03.01.02. Secondhand personal property dealer's license.

(a) A person must not act as a dealer unless the person possesses a dealer's license issued by the Office of Consumer Protection. The license must be displayed to the public wherever the person conducts the business of a dealer. No individual may work as an officer, employee, or agent engaged in transactions involving Secondhand Personal Property for a person required to be licensed by this chapter unless the dealer possesses a valid and current dealer's license.

(b) Pursuant to Montgomery County Code, Chapter 44A, Section 44A-2 persons engaged in the business of buying, obtaining, acquiring, marketing or receiving secondhand personal property must possess a dealer's license issued by the Office of Consumer Protection. Pursuant to the Montgomery County Code, Chapter 44A, Section 44A-8(b), the County Executive may establish an annual license fee in an amount not to exceed the estimated costs of administration and enforcement.

(c) Each application for a license must be made on the forms required by the Office of Consumer Protection.

Chapter 57 – Weapons Regulations
Section 57-8 – Child Safety Handgun Devices and Handguns – Regulations

Section 57.08.01.03. Child safety handgun device requirements.

A. The firearm dealer must maintain a record indicating that a child safety handgun device was provided to the recipient of a handgun. The director of the Department of Housing and Community Affairs, the director's authorized representative, or any officer or other authorized employee of a law enforcement agency may inspect these records.

B. The child safety handgun device must be either:

1. a lock that attaches to the handgun to prevent movement of the trigger of the handgun or otherwise renders the handgun inoperable until removed by a key or combination; or
2. a lockable box designed to hold the handgun being transferred that requires a key or combination to open and renders the handgun inoperable when locked.

Section 57.08.01.04. Public notification.

A. Signs for Firearm Dealers Having a Retail Store

1. A sign must be posted in plain view in the sales area.
2. The sign must state the following: "Section 57-5A of the Montgomery County Code requires that a child safety handgun device be provided by the firearm dealer at the time of purchase, lease, or transfer of each handgun. State law prohibits keeping firearms anywhere an unsupervised child could gain access to the firearm".
3. The sign must have letters at least 3/4 inches in height and a contrasting color to the sign background.

B. Notices for Firearm Dealers Not Having a Retail Store

1. A firearm dealer not having a retail store must provide a written notice with the wording in A.2 above.
2. The notice must be given by the firearm dealer to the recipient of any handgun at the time of purchase, lease; or transfer.
3. The notice must be at least font size 12 and on paper of a contrasting color.

C. Source of Signs and Notices

1. The sign or notice may be purchased from the Department of Housing and Community Affairs. The Department of Housing and Community Affairs may charge a fee for the sign or notice not to exceed the cost of producing the sign or notice.
2. The firearm dealer may provide the sign or notice provided that they comply with 57.08.01.04, A or B, above.

Mount Airy Code of Ordinances
Current through February 3, 2020.

Chapter 112 – Zoning
Article II – General Regulations

Section 112-12. Prohibited uses.

I. Sales as a regular course of business or trade with the principal objective of profit (to include by way of Internet, arm's-length or mail-order transactions) of alcohol, tobacco, or firearms shall be permitted if and to the extent otherwise permitted as a use of right or special exception in the Downtown Zone and the Limited Commercial, Community Commercial and Industrial Districts, but shall be prohibited in all other zoning districts.

Myersville Code of Ordinances
Current through October 8, 2019.

Chapter 97 – Peace and Good Order
Article III – Public Safety Offenses

Section 97-11. Weapons.

D. No pawnbrokers, secondhand dealers or other persons engaged in business in the Town shall display or place on exhibition in any show window or other window facing upon any street any pistol, revolver or other firearm with a barrel less than 12 inches in length or any brass or metal knuckles or any club loaded with lead or other weight or any blackjack or billy club.

E. No person, firm or corporation shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of 18 years.

Prince George's County Code of Ordinances

Current through Bill CB-1-2020, adopted April 20, 2020, effective June 1, 2020. (2020 Supplement, Update 2)

Title 17 – The Public Local Laws of Prince George's County, Maryland

Subtitle 5 – Businesses and Licenses

Division 19 – Secondhand and Pawn Dealers

Section 5-233. Definition.

(a) The term "**secondhand dealer**" means any person, corporation, or other business entity in this County engaged regularly in the business of receiving, in exchange for money, trade, barter, or other valuable consideration, items of tangible personal property.

(b) The term "**tangible personal property**" includes the following used items:

(3) Firearms;

Tangible personal property does not include new unopened merchandise in the original sealed packaging, cosmetics, devices, drugs or medications, food or food additives for human consumption as defined in Title 21 Section 101(e), (f), (g), and (i) Health General Article, Annotated Code of Maryland. This section does not apply to entities operating as a licensed Automotive Dismantler and Recycler as defined by Title 15 Section 501(b) of the Transportation Article of the Annotated Code of Maryland. Licensed Automotive Dismantler and Recycler entities are not secondhand dealers.

Section 5-234. Secondhand Dealer and Pawn Dealer's and Employee Licenses.

(a) It shall be unlawful for any person, corporation, or other business entity in Prince George's County to operate as, or act as agent for, a secondhand dealer or pawn dealer unless in possession of a valid and unsuspended Secondhand Dealer or Pawn Dealer's License issued by the Director of Permitting, Inspections, and Enforcement.

(b) The license shall be valid for one (1) year, and each license or renewal shall be subject to an annual fee as prescribed in the Table of Fees.

(c) An applicant for a secondhand dealer or pawn dealer's license shall pay an annual fee as prescribed in the Table of Fees for each employee of the applicant. A secondhand dealer or pawn dealer shall pay an additional fee as prescribed in the Table of Fees for each employee when the employee is initially employed to cover the cost of conducting a criminal background check. Each employee of a secondhand dealer or pawn dealer shall submit a complete application for an employee license at least five (5) business days prior to working in the business of a secondhand dealer or pawn dealer.

(d) The Director of Permitting, Inspections, and Enforcement may revoke or suspend the license described in this Section upon a finding that the licensee has been convicted of a theft offense, has operated for a period of more than thirty (30) days without a valid license, a licensed employee working in the establishment of the Secondhand Dealer and Pawn Dealer or the Dealer licensee is engaged regularly in the business of receiving, in exchange for money, trade, barter, or other valuable consideration, items prohibited in Section 5-233(b), or a licensed employee working in the establishment of the Secondhand Dealer and Pawn Dealer or the Dealer licensee has failed to comply with the provisions of this Division. The Director may deny an application for license if the applicant's license has been revoked or if the applicant is not of good moral character pursuant to the criteria set out in Section 5-204. The Director may deny an application for license if the applicant has not obtained a valid use and occupancy permit for the proposed location within two hundred and seventy (270) days from the date of the application.

(1) The Director's decision following a hearing shall be in writing; shall be sent to all parties at the hearing; and may be appealed within thirty (30) days after the decision by an aggrieved party to the Board of Appeals.

(e) The number of pawn dealer licenses shall be limited to thirty-one (31). Except as provided in this Section, pawn dealer licenses may not be leased, sold, assigned, or otherwise transferred, or held and operated where the controlling interest of the licensee's pawn shop business has been leased, sold, assigned or transferred to another individual or business. Such provision would not preclude the capital stock of publically traded companies, trading on a public stock exchange and registered with the Securities and Exchange Commission (the "SEC"), from being bought and sold.

(1) Notwithstanding the restriction on the number of licenses contained in this Section, the Director shall not reissue a secondhand dealer or pawn dealer's license that has been revoked or otherwise surrendered even if the total number of issued licenses falls below the number authorized pursuant to this Section.

(2) Notwithstanding the restriction on the number of licenses contained in this Section, the Director may transfer a valid and unsuspended pawn dealer license to the parent, sibling, or child of the person to whom the licensed was

issued, upon the payment of the fee as prescribed in the Table of Fees, provided the person is otherwise qualified to obtain the license. A license which has been revoked shall not be transferred.

(f) Any person who operates as a pawn dealer or secondhand dealer without possessing a valid unexpired pawn dealer license or secondhand dealer license and who subsequently obtains a pawn dealer license or secondhand dealer license shall have the license suspended for two business days for each day the person operated without a license. If the person operates more than thirty (30) calendar days without a license, the Director shall not issue a license for a period of one year after the violation was determined by the Director in accordance with this Section.

(g) Prior to issuing a secondhand dealer license or pawn dealer license, the Director shall ascertain that the applicant has a valid use and occupancy permit for the proposed location.

(h) Any person who operates as a pawn dealer or secondhand dealer must notify the Director and Chief of Police, in writing, on a form to be supplied by the Department of Permitting, Inspections, and Enforcement of the lease, sale, assignment, or transfer of the controlling interest of the licensee's pawn shop business within ten (10) days of the execution of the transaction.

Section 5-237. Requirement for record.

(a) Each secondhand dealer or pawn dealer shall record or cause to be recorded the purchase, barter, exchange, pledge, or other receipt by him of any item described in Section 5-233 and also any subsequent disposition of that item from his possession. This Section does not apply to entities operating as a licensed Automotive Dismantler and Recycler as defined by Title 15 Section 501(b) of the Transportation Article of the Annotated Code of Maryland. Licensed Automotive Dismantler and Recycler entities are not secondhand dealers. Information shall be recorded on electronic data storage media in a format specified by the County Police Department and shall include:

(1) The date, time, and place of the transaction;

(2) The name and address of the principal, if the transaction is by an agent;

(3) A comprehensive description of the items, including any visible identification marks such as initials, name of manufacturer, model and serial numbers, and owner applied identification numbers, and whether the item appears to be new or unused or in its original box or packaging;

(4) Consideration received;

(5) The name, address, telephone number, date of birth, and physical description, including the sex, race, distinguishing features, approximate age, height, weight, hair and eye color of the person or persons from whom the item is received and to whom it is disposed. The secondhand dealer or pawn dealer shall require two forms of identification of those persons by a driver's license or similar credentials. The record shall be signed by the dealer or dealer's agent, where applicable, and the seller; and

(6) The secondhand dealer or pawn dealer shall retain a copy of the above records for three (3) years after the date of the transaction.

(b) The requirements imposed upon a secondhand dealer or pawn dealer by this Section shall also be binding upon any employee or other person acting for the secondhand dealer or pawn dealer.

Subtitle 14 – Morals and Conduct Division 6 – Weapons

Section 14-140. Loaded weapons prohibited; exceptions.

(a) No person shall discharge or have in his possession, while loaded, any firearm, 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, within one thousand feet (1,000') of any home or residence, other than his own, or any school or school grounds (private or public), church or church grounds, places of public assembly, public parks and playgrounds within the County, whether the weapon is loaded with blank or live cartridges or projectiles of any kind.

Section 14-141. Transfer of weapon to minor prohibited; exceptions.

(a) No person shall give, sell, rent, lend or otherwise transfer any gun or weapon described in Section 14-140, designed to use explosive ammunition or any projectile therefor, within the County to a minor under the age of seventeen (17) years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

(b) This Section shall not apply to any regulated firearms regulated by Sections 441 to 448, Article 27, Annotated Code of Maryland, 1957.

Section 14-141.01. Handgun sales or transfers; child safety handgun lock required; notice.

(a) For purposes of this Section, "child safety handgun lock" means a device that, when locked in place by means of a key, prevents a potential user from pulling the trigger of a handgun without first removing the lock by use of a key.

(b) No licensed firearm dealer shall sell, lease, or otherwise transfer a handgun without also selling or otherwise providing with each handgun a child safety handgun lock or similar device designed to prevent the handgun from being fired by an unauthorized user.

(c) Every licensed firearm dealer permitted by law to sell, lease, or otherwise transfer a firearm shall post conspicuously within the premises where such transactions take place a notice of the requirement of Subsection (a), above, and the requirements of Section 36K of Article 27 of the Annotated Code of Maryland regarding keeping guns out of the reach of children.

(d) Any person convicted of a violation of this Section shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or both.

Princess Anne Code of Ordinances

Current through January 22, 2019.

Chapter 108 – Peace and Good Order

Article III – Public Safety Offenses

Section 108-13. Weapons.

D. No pawnbrokers, secondhand dealers or other persons engaged in business in the town shall display or place on exhibition in any show window or other window facing upon any street any pistol, revolver or other firearm with a barrel less than 12 inches in length or any brass or metal knuckles or any club loaded with lead or other weight or any blackjack or billy club.

E. No person, firm or corporation shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of 18 years.

Chapter 163 – Zoning

Article IX – Permitted Uses

Section 163-38. Key to Table of Permissible Uses.

A. When used in connection with a particular use in the Table of Permissible Uses included in this article,^[1] the letter "P" means that the use is permissible in the indicated zone with a zoning certificate issued by the Code Enforcement Officer.

[1] Editor's Note: The Table of Permissible Uses is included as an attachment to this chapter.

Attachment 1 – Table of Permitted Uses

Zoning District

| Use Description | R-1 | R-2 | C-1 | C-2 | I-1 | I-P* |
|---|-----|-----|-----|-----|-----|------|
| Industrial | | | | | | |
| Manufacture and assembly of the following: apparel, ... firearms, furniture, household appliances, jewelry, leather goods (excluding tanning), musical instruments, optical equipment, paper products, photographic equipment and supplies, rubber and metal stamps, sporting goods, toys and wrought iron products and similar light manufacturing use | | | | | | P |

Notes:

* In addition to any other applicable provisions in this chapter, permitting of all uses and structures in the I-P Industrial District is subject to the conditions established in § 163-57, I-P Industrial Park District development standards.

Somerset Code of Ordinances

Current through October 7, 2019.

Chapter 123 – County Legislation

Section 123-1. County laws applicable.

The Town is hereby exempt from all legislation heretofore or hereafter enacted by Montgomery County, Maryland, except for the chapters of the Montgomery County Code listed below. Any amendment by the County to such chapters shall

become effective within the Town to the extent not disapproved by the Town Council by ordinance. Any repeal by the County of any provision(s) of any chapter listed below or listed in § 123-2 of this chapter shall be effective to repeal such provision(s) within the Town unless an ordinance shall have been adopted by the Town Council expressly enacting such repealed provision(s).

Chapter 57, Weapons

Takoma Park Code of Ordinances

Current through Ordinance 2020-08, passed April 15, 2020.

**Title 14 – Health and Safety
Chapter 14.16 – Gun Regulation**

Section 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. (Ord. 2001-27 § 2(1), 2001)

Section 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 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.

“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.

Section 14.16.040. Child safety handgun devices.

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.

Section 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.

Westernport Code of Ordinances

Current through October 7, 2019.

Chapter 250 – Zoning

Article IV – Primary District Regulations

Section 250-13. TR Town Residential District

C. Special exceptions. Only the following principal uses and structures are permitted as special exceptions after approval by the Board of Appeals:

- (11) Personal service businesses, including barbershops, beauty salons, cold storage lockers, photography studios, repair shops for appliances, bicycles, electronic equipment, guns, locks, shoes, or watches, self-service dry-cleaning or laundromats, tailoring or dressmaking.

Westminster Code of Ordinances
Current through September 9, 2019.

Chapter 164 – Zoning and Subdivision of Land
Article VIIA – Mixed Use Infill Zone

Section 164-39.2. Uses permitted.

D. The buying, selling or trading of firearms shall not be allowed under any of the uses permitted under this section.

Article VIIIA – C-C Central Commerce Zone

Section 164-45.2. Uses permitted.

B. The buying, selling or trading of firearms shall not be allowed under any of the uses permitted under this section.

Section 164-45.3 Special exceptions.

B. The buying, selling or trading of firearms shall not be allowed under any of the special exceptions permitted under this section

Article VIIIB – D-B Downtown Business Zone

Section 164-45.8. Uses permitted.

B. The buying, selling or trading of firearms shall not be allowed under any of the uses permitted under this section.

Article IX – C-B Central Business Zone

Section 164-48. Special exceptions.

B. The buying, selling or trading of firearms shall not be allowed under any of the special exceptions permitted under this section.

Article XIA – N-C Neighborhood Commercial Zone

Section 164-64.2 Uses permitted.

(66) Sporting goods and related outdoor hobby shops with the exception of firearms.

Article XX – Special Provisions

Section 164-155.3. Firearms sales in D-B Downtown Business Zone.

A. Firearm sales may be permitted as a special exception in the D-B Zone upon approval by the Board of Zoning Appeals for businesses with the primary purpose of firearms training and/or sales in accordance with the provisions of this Code, provided that the following standards and requirements are met below. The distance requirements from dwellings, schools, places of worship and institutions for human care are waived for firearms sales via an exception to § 164-140 under Subsection H below.

(1) A loading and unloading station must be provided within the facility where firearms are to be sold. Stations shall be comprised of heavy steel enclosures to safely contain any errant round fired while loading or unloading a firearm.

(2) An industry-standard alarm system must be provided. Alarm systems must be technically robust and encompass glass protection, interior and exterior doors, access panels and ducts. A panic button must be provided. The system must be externally monitored.

(3) An industry-standard video surveillance system must be provided. Video surveillance systems must include coverage of all entrances and exits, register areas, loading areas, and restricted firearms storage areas. Cameras should also be visible to the public to serve as a crime deterrent.

(4) Firearms sales facilities shall provide break-resistant doors, gates, glass, security grills and gates.

(5) Exterior and interior lighting must be provided with automatic timers to function from dusk to dawn each day.

(6) All exterior doors must have commercial-quality locks and door hardware, dead bolts, guard plates, emergency egress locks and secondary locking mechanisms.

(7) Firearms may only be displayed in high-security showcases, firearm safes, cable locks and secure stockrooms. All firearms must be removed from display and placed in secure storage during the hours the establishment is closed. A security protocol for all transfer times must be established.

(8) Firearms sales uses shall not be subject to the additional distance requirements in § 164-140 (i.e., 100 feet from any property that contains a dwelling, school, church or institution for human care).

(9) Any wall abutting another structure designed or intended for human occupancy must be constructed of or faced with a bullet-resistant material.

B. No firearms sales may be conducted in any premises on any lot that is contiguous with Main Street.

C. Notwithstanding any other provision in the Code, firearms sales uses approved under this section and located in an existing building shall be exempt from all parking requirements in § 164-111.

D. Notwithstanding any other provision of this Code, a special exception granted by the Board of Zoning Appeals under this section will lapse six months after the cessation of the business with the primary purpose of firearms training and/or the sale of firearms.

E. The Westminster Police Department shall inspect the premises biennially for compliance with the requirements of this section.

Wicomico County Code of Ordinances

Current through May 1, 2019.

**Chapter 225 – Zoning
Table of Permitted Uses Part II**

Commercial, Institutional, Business and Industrial Districts

Key:

P = Permitted

SE = Special exception by the Board of Appeals

SPC = Special exception by the Planning Commission

| Use Description | Zoning District | | | | | | |
|---|-----------------|-----|-----|------|------|-----|-----|
| | C-1 | C-2 | C-3 | LB-1 | LB-2 | I-1 | I-2 |
| Industrial | | | | | | | |
| Assembly of products from previously processed metals, including ... firearms, electrical appliances, tools, pumps, dies, machinery, hardware, wire | | | | | | P | P |