

SENATE BILL 281

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By: **The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, and Zirkin**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Firearm Safety Act of 2013**

3 FOR the purpose of altering the authorization for a person to wear, carry, or transport
4 a handgun to be within certain limitations; designating certain firearms as
5 assault weapons; prohibiting, with certain exceptions, a person from
6 transporting an assault weapon into the State or possessing, selling, offering to
7 sell, transferring, purchasing, or receiving an assault weapon; authorizing
8 certain licensed firearms dealers to continue to possess, sell, offer for sale, or
9 transfer assault long guns or copycat weapons under certain circumstances;
10 authorizing certain persons to continue to possess assault long guns or copycat
11 weapons under certain circumstances; altering the maximum capacity of rounds
12 of ammunition allowable to be manufactured, sold, offered for sale, purchased,
13 received, or transferred for a firearm; making it a misdemeanor to use an
14 assault long gun or a copycat weapon or a magazine that exceeds a certain
15 maximum capacity of rounds of ammunition in the commission of a felony or a
16 crime of violence; requiring a certain hearing officer, after making a certain
17 determination, to order certain individuals to surrender firearms in the
18 individual's possession under certain circumstances; prohibiting a certain
19 person from selling, purchasing, renting, transferring, or receiving a certain
20 regulated firearm unless the person presents or possesses a certain handgun
21 qualification license issued by the Secretary of State Police; establishing certain
22 requirements and procedures for the issuance and renewal of a certain handgun
23 qualification license; authorizing the Secretary to revoke a certain handgun
24 qualification license under certain circumstances; requiring a certain person to
25 return a certain handgun qualification license under certain circumstances;
26 requiring certain fees; requiring a certain licensee or designated law
27 enforcement agency to transfer a certain firearm application to the Secretary in
28 an electronic format; authorizing a certain hearing for a certain aggrieved

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 person under certain circumstances; altering the circumstances under which a
2 person is prohibited from possessing a certain regulated firearm; making it a
3 misdemeanor for a certain person to possess certain ammunition if the person is
4 prohibited from possessing a certain firearm under certain circumstances;
5 establishing certain penalties; requiring certain persons to provide certain data
6 about a certain person to a certain federal index in a certain manner under
7 certain circumstances; authorizing a certain person who is subject to certain
8 prohibitions from possessing certain firearms to apply for certain relief from
9 certain prohibitions under certain circumstances; establishing the procedures
10 and requirements for a person who is subject to certain prohibitions on the
11 possession of certain firearms to apply for certain relief for certain prohibitions;
12 requiring certain persons to enter into a certain memorandum of
13 understanding; requiring a person who moves into the State for the purpose of
14 establishing residency to register certain firearms within a certain time period
15 with the Secretary in a certain manner; providing that certain information is
16 not open to public inspection; prohibiting a certain person from possessing a
17 rifle or shotgun under certain circumstances; requiring a certain applicant for a
18 certain firearm permit to complete a certain firearm training course under
19 certain circumstances; exempting a certain applicant for a permit from a certain
20 training requirement under certain circumstances; defining certain terms; and
21 generally relating to firearms.

22 BY repealing and reenacting, with amendments,
23 Article – Criminal Law
24 Section 4–203(b) and 4–301 through 4–306
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2012 Supplement)

27 BY adding to
28 Article – Health – General
29 Section 10–632(g)
30 Annotated Code of Maryland
31 (2009 Replacement Volume and 2012 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article – Public Safety
34 Section 5–101, 5–118(b)(2) and (3), 5–120, 5–133, 5–143, 5–205, 5–206, 5–301,
35 and 5–306
36 Annotated Code of Maryland
37 (2011 Replacement Volume and 2012 Supplement)

38 BY adding to
39 Article – Public Safety
40 Section 5– 117.1, 5–118(b)(4), 5–133.1, 5–133.2, 5–133.3, and 5–143
41 Annotated Code of Maryland
42 (2011 Replacement Volume and 2012 Supplement)

1 BY repealing
2 Article – Public Safety
3 Section 5–119
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2012 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Criminal Law**

9 4–203.

10 (b) This section does not prohibit:

11 (1) the wearing, carrying, or transporting of a handgun by a person
12 who [is on active assignment engaged in law enforcement,] is authorized at the time
13 and under the circumstances to wear, carry, or transport the handgun as part of the
14 person's official equipment, and is:

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

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

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

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

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

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

26 (2) the wearing, carrying, or transporting of a handgun, **IN**
27 **COMPLIANCE WITH ANY LIMITATIONS IMPOSED UNDER § 5–307 OF THE PUBLIC**
28 **SAFETY ARTICLE**, by a person to whom a permit to wear, carry, or transport the
29 handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

30 (3) the carrying of a handgun on the person or in a vehicle while the
31 person is transporting the handgun to or from the place of legal purchase or sale, or to
32 or from a bona fide repair shop, or between bona fide residences of the person, or
33 between the bona fide residence and place of business of the person, if the business is

1 operated and owned substantially by the person if each handgun is unloaded and
2 carried in an enclosed case or an enclosed holster;

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

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

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

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

18 (i) in the course of employment;

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

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

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

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

29 (i) the handgun is unloaded;

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

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

1 4–301.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) “ASSAULT LONG GUN” MEANS ANY ASSAULT WEAPON LISTED
5 UNDER § 5–101(R)(2) OF THE PUBLIC SAFETY ARTICLE.

6 (C) [In this subtitle, “assault] “ASSAULT pistol” means any of the following
7 firearms [or a copy regardless of the producer or manufacturer]:

- 8 (1) AA Arms AP–9 semiautomatic pistol;
- 9 (2) Bushmaster semiautomatic pistol;
- 10 (3) Claridge HI–TEC semiautomatic pistol;
- 11 (4) D Max Industries semiautomatic pistol;
- 12 (5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;
- 13 (6) Heckler and Koch semiautomatic SP–89 pistol;
- 14 (7) Holmes MP–83 semiautomatic pistol;
- 15 (8) Ingram MAC 10/11 semiautomatic pistol and variations including
16 the Partisan Avenger and the SWD Cobray;
- 17 (9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire
18 variation;
- 19 (10) P.A.W.S. type semiautomatic pistol;
- 20 (11) Skorpion semiautomatic pistol;
- 21 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
- 22 (13) UZI semiautomatic pistol;
- 23 (14) Weaver Arms semiautomatic Nighthawk pistol; or
- 24 (15) Wilkinson semiautomatic “Linda” pistol.

25 (D) “ASSAULT WEAPON” MEANS:

- 26 (1) AN ASSAULT LONG GUN;

1 **(2) AN ASSAULT PISTOL; OR**

2 **(3) A COPYCAT WEAPON.**

3 **(E) (1) “COPYCAT WEAPON” MEANS:**

4 **(I) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT CAN**
5 **ACCEPT A DETACHABLE MAGAZINE AND HAS ANY OF THE FOLLOWING:**

6 **1. A PISTOL GRIP THAT PROTRUDES**
7 **CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON;**

8 **2. A THUMBHOLE STOCK;**

9 **3. A FOLDING OR TELESCOPING STOCK;**

10 **4. A GRENADE LAUNCHER OR FLARE LAUNCHER;**

11 **5. A FLASH SUPPRESSOR; OR**

12 **6. A FORWARD PISTOL GRIP;**

13 **(II) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT HAS A**
14 **FIXED MAGAZINE WITH THE CAPACITY TO ACCEPT MORE THAN 10 ROUNDS;**

15 **(III) A SEMIAUTOMATIC CENTERFIRE RIFLE THAT HAS AN**
16 **OVERALL LENGTH OF LESS THAN 30 INCHES;**

17 **(IV) A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A**
18 **DETACHABLE MAGAZINE AND HAS ANY OF THE FOLLOWING:**

19 **1. A THREADED BARREL, CAPABLE OF ACCEPTING A**
20 **FLASH SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;**

21 **2. A SECOND HANDGRIP;**

22 **3. A SHROUD THAT IS ATTACHED TO OR THAT**
23 **PARTIALLY OR COMPLETELY ENCIRCLES THE BARREL, EXCEPT FOR A SLIDE**
24 **THAT ENCLOSSES THE BARREL, AND THAT ALLOWS THE BEARER TO FIRE THE**
25 **WEAPON WITHOUT BURNING THE BEARER’S HAND; OR**

1 4. THE CAPACITY TO ACCEPT A DETACHABLE
2 MAGAZINE OUTSIDE THE PISTOL GRIP;

3 (V) A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE
4 THAT CAN ACCEPT MORE THAN 10 ROUNDS;

5 (VI) A SEMIAUTOMATIC SHOTGUN THAT HAS:

6 1. A FOLDING OR TELESCOPING STOCK; AND

7 2. A PISTOL GRIP THAT PROTRUDES
8 CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON, THUMBHOLE STOCK,
9 OR VERTICAL HANDGRIP; OR

10 (VII) A SHOTGUN WITH A REVOLVING CYLINDER.

11 (2) “COPYCAT WEAPON” DOES NOT INCLUDE AN ASSAULT LONG
12 GUN OR AN ASSAULT PISTOL.

13 (F) “DETACHABLE MAGAZINE” MEANS AN AMMUNITION FEEDING
14 DEVICE THAT CAN BE REMOVED READILY FROM A FIREARM WITHOUT
15 REQUIRING DISASSEMBLY OF THE FIREARM ACTION OR WITHOUT THE USE OF A
16 TOOL, INCLUDING A BULLET OR CARTRIDGE.

17 (G) “FLASH SUPPRESSOR” MEANS A DEVICE THAT FUNCTIONS, OR IS
18 INTENDED TO FUNCTION, TO PERCEPTIBLY REDUCE OR REDIRECT MUZZLE
19 FLASH FROM THE SHOOTER’S FIELD OF VISION.

20 (H) “FORWARD PISTOL GRIP” MEANS A GRIP THAT ALLOWS FOR A
21 PISTOL–STYLE GRASP FORWARD OF THE TRIGGER.

22 (I) “LICENSED FIREARMS DEALER” MEANS A PERSON WHO HOLDS A
23 DEALER’S LICENSE UNDER TITLE 5, SUBTITLE 1 OF THE PUBLIC SAFETY
24 ARTICLE.

25 (J) “PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE
26 ACTION OF THE WEAPON” MEANS A GRIP THAT ALLOWS FOR A PISTOL–STYLE
27 GRASP IN WHICH THE WEB OF THE TRIGGER HAND BETWEEN THE THUMB AND
28 INDEX FINGER CAN BE PLACED BELOW THE TOP OF THE EXPOSED PORTION OF
29 THE TRIGGER WHILE FIRING.

1 **(K) “THUMBHOLE STOCK” MEANS A STOCK WITH A HOLE THAT ALLOWS**
2 **THE THUMB OF THE TRIGGER HAND TO PENETRATE INTO OR THROUGH THE**
3 **STOCK WHILE FIRING.**

4 4–302.

5 This subtitle does not apply to:

6 (1) if acting within the scope of official business, personnel of the
7 United States government or a unit of that government, members of the armed forces
8 of the United States or of the National Guard, or law enforcement personnel of the
9 State or a local unit in the State;

10 (2) a firearm modified to render it permanently inoperative;

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

13 (i) providing or servicing an assault [pistol] **WEAPON** or
14 detachable magazine for a law enforcement unit or for personnel exempted under item
15 (1) of this section; or

16 (ii) acting to sell or transfer an assault [pistol] **WEAPON** or
17 detachable magazine to a licensed firearm dealer in another state;

18 (4) organizations that are required or authorized by federal law
19 governing their specific business or activity to maintain assault [pistols] **WEAPONS**
20 and applicable ammunition and detachable magazines;

21 (5) the receipt of an assault [pistol] **WEAPON** or detachable magazine
22 by inheritance if the decedent lawfully possessed the assault [pistol] **WEAPON**; or

23 (6) the receipt of an assault [pistol] **WEAPON** or detachable magazine
24 by a personal representative of an estate for purposes of exercising the powers and
25 duties of a personal representative of an estate.

26 4–303.

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

28 (1) transport an assault [pistol] **WEAPON** into the State; or

29 (2) possess, sell, offer to sell, transfer, purchase, or receive an assault
30 [pistol] **WEAPON**.

(b) (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:

[(1)] (I) continue to possess the assault pistol; or

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

(2) A LICENSED FIREARMS DEALER MAY CONTINUE TO POSSESS, SELL, OFFER FOR SALE, OR TRANSFER AN ASSAULT LONG GUN OR A COPYCAT WEAPON THAT THE LICENSED FIREARMS DEALER LAWFULLY POSSESSED ON OR BEFORE OCTOBER 1, 2013.

(3) A PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2013, AND WHO REGISTERS THE ASSAULT LONG GUN OR COPYCAT WEAPON WITH THE SECRETARY OF STATE POLICE BEFORE NOVEMBER 1, 2013, MAY:

(I) CONTINUE TO POSSESS THE ASSAULT LONG GUN OR COPYCAT WEAPON; OR

(II) WHILE CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE ASSAULT LONG GUN OR COPYCAT WEAPON, TRANSPORT THE ASSAULT LONG GUN OR COPYCAT WEAPON DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION IF THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE PERSON IS TRANSPORTING THE ASSAULT LONG GUN OR COPYCAT WEAPON IN ACCORDANCE WITH A COURT ORDER AND THE ASSAULT LONG GUN OR COPYCAT WEAPON IS UNLOADED.

4–304.

A law enforcement unit may seize as contraband and dispose of according to regulation an assault [pistol] WEAPON transported, sold, transferred, purchased, received, or possessed in violation of this subtitle.

4–305.

(a) This section does not apply to a .22 caliber rifle with a tubular magazine.

(b) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than [20] 10 rounds of ammunition for a firearm.

4–306.

(a) A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(b) (1) A person who uses an assault [pistol] WEAPON, or a magazine that has a capacity of more than [20] 10 rounds of ammunition, in the commission of a felony or a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or crime of violence, shall be sentenced under this subsection.

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

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

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

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

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

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

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

Article – Health – General

10–632.

(G) IF A HEARING OFFICER ENTERS AN ORDER FOR INVOLUNTARY ADMISSION 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

1 OFFICER SHALL ORDER THE INDIVIDUAL WHO IS SUBJECT TO THE
2 INVOLUNTARY ADMISSION TO:

3 (1) SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY
4 FIREARMS IN THE INDIVIDUAL'S POSSESSION; AND

5 (2) REFRAIN FROM POSSESSING A FIREARM UNLESS THE
6 INDIVIDUAL IS GRANTED RELIEF FROM FIREARMS DISQUALIFICATION IN
7 ACCORDANCE WITH § 5-133.3 OF THE PUBLIC SAFETY ARTICLE.

8 Article – Public Safety

9 5-101.

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

11 (b) “Antique firearm” has the meaning stated in § 4-201 of the Criminal Law
12 Article.

13 (c) “Crime of violence” means:

14 (1) abduction;

15 (2) arson in the first degree;

16 (3) assault in the first or second degree;

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

18 (5) carjacking and armed carjacking;

19 (6) escape in the first degree;

20 (7) kidnapping;

21 (8) voluntary manslaughter;

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

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

26 (11) murder in the first or second degree;

27 (12) rape in the first or second degree;

1 (13) robbery;

2 (14) robbery with a dangerous weapon;

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

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

6 (17) assault with intent to commit any of the crimes listed in items (1)
7 through (15) of this subsection or a crime punishable by imprisonment for more than 1
8 year.

9 (d) “Dealer” means a person who is engaged in the business of:

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

11 (2) repairing firearms.

12 (e) “Dealer’s license” means a State regulated firearms dealer’s license.

13 (f) “Designated law enforcement agency” means a law enforcement agency
14 that the Secretary designates to process applications to purchase regulated firearms
15 for secondary sales.

16 (g) “Disqualifying crime” means:

17 (1) a crime of violence;

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

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

21 (h) (1) “Firearm” means:

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

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

25 (2) “Firearm” includes a starter gun.

26 (i) “Firearm applicant” means a person who makes a firearm application.

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

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

(l) “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” means a person who has been found guilty of two controlled dangerous substance crimes, one of which occurred in the past 5 years.

(n) (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” MEANS A LICENSE ISSUED BY THE SECRETARY THAT AUTHORIZES A PERSON TO PURCHASE, RENT, OR RECEIVE A HANDGUN.

[(o)] (P) “Licensee” means a person who holds a dealer’s license.

(Q) “QUALIFIED HANDGUN INSTRUCTOR” MEANS A PERSON CERTIFIED BY THE SECRETARY WHO MEETS THE REQUIREMENTS ESTABLISHED BY THE SECRETARY TO PROVIDE TRAINING IN THE CARE, SAFETY, AND USE OF HANDGUNS.

[(p)] (R) “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;

- 1 (vi) Argentine L.S.R. semi-auto;
- 2 (vii) Australian Automatic Arms SAR type semi-auto;
- 3 (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- 4 (ix) Barrett light .50 cal. semi-auto;
- 5 (x) Beretta AR70 type semi-auto;
- 6 (xi) Bushmaster semi-auto rifle;
- 7 (xii) Calico models M-100 and M-900;
- 8 (xiii) CIS SR 88 type semi-auto;
- 9 (xiv) Claridge HI TEC C-9 carbines;
- 10 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15
- 11 Sporter H-BAR rifle;
- 12 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and
- 13 K-2;
- 14 (xvii) Dragunov Chinese made semi-auto;
- 15 (xviii) Famas semi-auto (.223 caliber);
- 16 (xix) Feather AT-9 semi-auto;
- 17 (xx) FN LAR and FN FAL assault rifle;
- 18 (xxi) FNC semi-auto type carbine;
- 19 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 20 (xxiii) Steyr-AUG-SA semi-auto;
- 21 (xxiv) Galil models AR and ARM semi-auto;
- 22 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 23 (xxvi) Holmes model 88 shotgun;
- 24 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;

- (xxviii) Manchester Arms “Commando” MK–45, MK–9;
- (xxix) Mandell TAC–1 semi–auto carbine;
- (xxx) Mossberg model 500 Bullpup assault shotgun;
- (xxxi) Sterling Mark 6;
- (xxxii) P.A.W.S. carbine;
- (xxxiii) Ruger mini–14 folding stock model (.223 caliber);
- (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- (xxxv) SKS with detachable magazine;
- (xxxvi) AP–74 Commando type semi–auto;
- (xxxvii) Springfield Armory BM–59, SAR–48, G3, SAR–3,
M–21 sniper rifle, M1A, excluding the M1 Garand;
- (xxxviii) Street sweeper assault type shotgun;
- (xxxix) Striker 12 assault shotgun in all formats;
- (xl) Unique F11 semi–auto type;
- (xli) Daewoo USAS 12 semi–auto shotgun;
- (xlii) UZI 9mm carbine or rifle;
- (xliii) Valmet M–76 and M–78 semi–auto;
- (xliv) Weaver Arms “Nighthawk” semi–auto carbine; or
- (xlv) Wilkinson Arms 9mm semi–auto “Terry”.

[(q)] (S) “Rent” means the temporary transfer for consideration of a regulated firearm that is taken from the property of the owner of the regulated firearm.

[(r)] (T) “Secondary sale” means a sale of a regulated firearm in which neither party to the sale:

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

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

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

[(s)] (U) “Secretary” means the Secretary of State Police or the Secretary’s designee.

[(t)] (V) “Straw purchase” means a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:

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

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

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

5-117.1.

(A) A DEALER OR ANY OTHER PERSON MAY NOT SELL, RENT, OR TRANSFER A REGULATED FIREARM TO A PURCHASER, LESSEE, OR TRANSFEREE UNLESS THE PURCHASER, LESSEE, OR TRANSFEREE PRESENTS TO THE DEALER OR OTHER PERSON A VALID REGULATED FIREARM QUALIFICATION LICENSE ISSUED TO THE PURCHASER, LESSEE, OR TRANSFEREE BY THE SECRETARY UNDER THIS SECTION.

(B) A PERSON MAY PURCHASE, RENT, OR RECEIVE A HANDGUN ONLY IF THE PERSON:

(1) POSSESSES A VALID HANDGUN QUALIFICATION LICENSE ISSUED TO THE PERSON BY THE SECRETARY IN ACCORDANCE WITH THIS SECTION; AND

(2) IS NOT OTHERWISE PROHIBITED FROM PURCHASING OR POSSESSING A HANDGUN UNDER STATE OR FEDERAL LAW.

(C) SUBJECT TO SUBSECTIONS (E) AND (F) 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;

1 **(3) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**
2 **HAS DEMONSTRATED SATISFACTORY COMPLETION, WITHIN 1 YEAR PRIOR TO**
3 **THE SUBMISSION OF THE APPLICATION, OF A FIREARMS SAFETY TRAINING**
4 **COURSE APPROVED BY THE SECRETARY THAT INCLUDES:**

5 **(I) A MINIMUM OF 8 HOURS OF INSTRUCTION BY A**
6 **QUALIFIED HANDGUN INSTRUCTOR;**

7 **(II) CLASSROOM INSTRUCTION ON:**

8 1. **STATE FIREARM LAW;**

9 2. **HOME FIREARM SAFETY; AND**

10 3. **HANDGUN MECHANISMS AND OPERATION; AND**

11 **(III) A FIREARMS QUALIFICATION COMPONENT THAT**
12 **DEMONSTRATES THE PERSON'S PROFICIENCY AND USE OF THE FIREARM; AND**

13 **(4) BASED ON AN INVESTIGATION, IS NOT PROHIBITED BY**
14 **FEDERAL OR STATE LAW FROM PURCHASING OR POSSESSING A HANDGUN.**

15 **(D) AN APPLICANT FOR A HANDGUN QUALIFICATION LICENSE IS NOT**
16 **REQUIRED TO COMPLETE A FIREARMS SAFETY TRAINING COURSE UNDER**
17 **SUBSECTION (C) OF THIS SECTION IF THE APPLICANT:**

18 **(1) IS A LAW ENFORCEMENT OFFICER OF THE UNITED STATES,**
19 **THE STATE, OR ANY LOCAL LAW ENFORCEMENT AGENCY IN THE STATE;**

20 **(2) IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES**
21 **OR THE NATIONAL GUARD; OR**

22 **(3) HAS COMPLETED A CERTIFIED FIREARMS TRAINING COURSE**
23 **APPROVED BY THE SECRETARY.**

24 **(E) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE**
25 **CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE**
26 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

27 **(2) IN ORDER TO OBTAIN A HANDGUN QUALIFICATION LICENSE,**
28 **AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL**
29 **AND STATE CRIMINAL HISTORY RECORDS CHECK.**

1 **(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
2 **RECORDS CHECK, THE APPLICANT SHALL SUBMIT TO THE CENTRAL**
3 **REPOSITORY:**

4 **(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE**
5 **FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE**
6 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
7 **INVESTIGATION;**

8 **(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
9 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL**
10 **HISTORY RECORDS; AND**

11 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
12 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
13 **RECORDS CHECK.**

14 **(4) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO**
15 **THE APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (3)(II)**
16 **AND (III) OF THIS SUBSECTION.**

17 **(5) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE**
18 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**
19 **TO THE APPLICANT AND THE SECRETARY A PRINTED STATEMENT OF THE**
20 **APPLICANT'S CRIMINAL HISTORY INFORMATION.**

21 **(6) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
22 **UNDER THIS SECTION:**

23 **(I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND**

24 **(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE**
25 **AUTHORIZED BY THIS SECTION.**

26 **(7) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED**
27 **TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL**
28 **HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE**
29 **DEPARTMENT OF STATE POLICE LICENSING DIVISION A REVISED PRINTED**
30 **STATEMENT OF THE APPLICANT'S OR LICENSEE'S STATE CRIMINAL HISTORY**
31 **RECORD.**

1 **(F) AN APPLICANT FOR A HANDGUN QUALIFICATION LICENSE SHALL**
2 **SUBMIT TO THE SECRETARY:**

3 **(1) AN APPLICATION IN THE FORMAT DESIGNATED BY THE**
4 **SECRETARY;**

5 **(2) A NONREFUNDABLE APPLICATION FEE OF \$100;**

6 **(3) PROOF OF SATISFACTORY COMPLETION OF A FIREARMS**
7 **SAFETY TRAINING COURSE APPROVED BY THE SECRETARY;**

8 **(4) ANY OTHER IDENTIFYING INFORMATION OR DOCUMENTATION**
9 **REQUIRED BY THE SECRETARY; AND**

10 **(5) A STATEMENT MADE BY THE APPLICANT UNDER THE PENALTY**
11 **OF PERJURY THAT THE APPLICANT IS NOT PROHIBITED UNDER FEDERAL OR**
12 **STATE LAW FROM POSSESSING A HANDGUN.**

13 **(G) WITHIN 30 DAYS AFTER RECEIVING A PROPERLY COMPLETED**
14 **APPLICATION, THE SECRETARY SHALL ISSUE TO THE APPLICANT:**

15 **(1) A HANDGUN QUALIFICATION LICENSE IF THE APPLICANT IS**
16 **APPROVED; OR**

17 **(2) A WRITTEN DENIAL OF THE APPLICATION THAT CONTAINS A**
18 **STATEMENT OF THE APPLICANT'S APPEAL RIGHTS UNDER SUBSECTION (J) OF**
19 **THIS SECTION.**

20 **(H) (1) A HANDGUN QUALIFICATION LICENSE ISSUED UNDER THIS**
21 **SECTION EXPIRES 5 YEARS FROM THE DATE OF ISSUANCE.**

22 **(2) THE HANDGUN QUALIFICATION LICENSE MAY BE RENEWED**
23 **FOR SUCCESSIVE PERIODS OF 5 YEARS EACH IF, AT THE TIME OF AN**
24 **APPLICATION FOR RENEWAL, THE APPLICANT POSSESSES THE QUALIFICATIONS**
25 **FOR THE ISSUANCE OF THE HANDGUN QUALIFICATION LICENSE AND PAYS THE**
26 **FEES REQUIRED IN SUBSECTIONS (E)(3) AND (F)(2) OF THIS SECTION.**

27 **(I) (1) THE SECRETARY MAY REVOKE A HANDGUN QUALIFICATION**
28 **LICENSE ISSUED OR RENEWED UNDER THIS SECTION ON A FINDING THAT THE**
29 **LICENSEE NO LONGER SATISFIES THE QUALIFICATIONS SET FORTH IN**
30 **SUBSECTION (C) OF THIS SECTION.**

1 **(2) A PERSON HOLDING A HANDGUN QUALIFICATION LICENSE**
2 **THAT HAS BEEN REVOKED BY THE SECRETARY SHALL RETURN THE LICENSE TO**
3 **THE SECRETARY WITHIN 5 DAYS AFTER RECEIPT OF THE NOTICE OF**
4 **REVOCATION.**

5 **(J) (1) A PERSON WHOSE ORIGINAL OR RENEWAL APPLICATION FOR**
6 **A HANDGUN QUALIFICATION LICENSE IS DENIED OR WHOSE HANDGUN**
7 **QUALIFICATION LICENSE IS REVOKED, MAY SUBMIT A WRITTEN REQUEST TO**
8 **THE SECRETARY FOR A HEARING WITHIN 30 DAYS AFTER THE DATE THE**
9 **WRITTEN NOTICE OF THE DENIAL OR REVOCATION WAS SENT TO THE**
10 **AGGRIEVED PERSON.**

11 **(2) A HEARING UNDER THIS SECTION SHALL BE GRANTED BY THE**
12 **SECRETARY WITHIN 15 DAYS AFTER THE REQUEST.**

13 **(3) A HEARING AND ANY SUBSEQUENT PROCEEDINGS OF**
14 **JUDICIAL REVIEW UNDER THIS SECTION SHALL BE CONDUCTED IN**
15 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
16 **ARTICLE.**

17 **(4) A HEARING UNDER THIS SECTION SHALL BE HELD IN THE**
18 **COUNTY OF THE LEGAL RESIDENCE OF THE AGGRIEVED PERSON.**

19 5–118.

20 (b) A firearm application shall contain:

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

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

25 (i) is at least 21 years old;

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

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

29 (iv) is not a fugitive from justice;

30 (v) is not a habitual drunkard;

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

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

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

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

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

(4) A COPY OF THE APPLICANT'S HANDGUN QUALIFICATION LICENSE.

[5–119.

A firearm applicant is not required to complete a certified firearms training course required under §§ 5–118 and 5–134 of this subtitle if the firearm applicant:

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

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

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

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

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

5–120.

1 (a) (1) On receipt of a firearm application, a licensee or designated law
2 enforcement agency shall promptly forward one copy of it to the Secretary by[:

3 (i) certified mail;

4 (ii) facsimile machine; or

5 (iii)] electronic means approved by the Secretary.

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

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

11 (2) The firearm applicant is entitled to [the remaining] copy of the
12 firearm application.

13 (c) [(1) Except as provided in paragraph (2) of this subsection, the] **THE**
14 licensee or designated law enforcement agency shall forward the \$10 application fee
15 with the firearm application to the Secretary.

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

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

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

22 5–133.

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

27 (b) **[A] SUBJECT TO § 5–133.3 OF THIS SUBTITLE,** A person may not
28 possess a regulated firearm if the person:

29 (1) has been convicted of a disqualifying crime;

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

(3) is a fugitive from justice;

(4) is a habitual drunkard;

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

(6) [suffers from a mental disorder as defined in § 10–101(f)(2) of the Health – General Article and has a history of violent behavior against the person or another, unless the person has a physician’s certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another] **HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3–106 OF THE CRIMINAL PROCEDURE ARTICLE;**

(7) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3–110 OF THE CRIMINAL PROCEDURE ARTICLE;

~~[(7)] (8)~~ has been [confined for more than 30 consecutive days to] **A PATIENT IN** a facility as defined in § 10–101 of the Health – General Article[, unless the person has a physician’s certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another] **AND:**

(I) HAS BEEN A VOLUNTARY OR AN INVOLUNTARY PATIENT FOR 30 CONSECUTIVE DAYS OR MORE; OR

(II) HAS BEEN DETERMINED BY A COURT TO BE UNABLE TO SAFELY POSSESS A FIREARM BASED ON CREDIBLE EVIDENCE OF DANGEROUSNESS TO OTHERS;

(9) IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13–201(C) OR § 13–705 OF THE ESTATES AND TRUSTS ARTICLE;

~~[(8)] (10)~~ except as provided in subsection (e) of this section, is a respondent against whom [a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or]:

(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

1 **[(9)] (11)** if under the age of 30 years at the time of possession, has
2 been adjudicated delinquent by a juvenile court for an act that would be a
3 disqualifying crime if committed by an adult.

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

6 (i) a crime of violence;

7 (ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, §
8 5–613, or § 5–614 of the Criminal Law Article; or

9 (iii) an offense under the laws of another state or the United
10 States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph
11 if committed in this State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 2. under the supervision of a qualified instructor;

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

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

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

25 (1) the regulated firearm is unloaded;

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

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

31 **5-133.1.**

1 (A) IN THIS SECTION, “AMMUNITION” MEANS A CARTRIDGE, SHELL, OR
2 ANY OTHER DEVICE CONTAINING EXPLOSIVE OR INCENDIARY MATERIAL
3 DESIGNED AND INTENDED FOR USE IN A FIREARM.

4 (B) A PERSON MAY NOT POSSESS AMMUNITION IF THE PERSON IS
5 PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133 OF
6 THIS SUBTITLE.

7 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
8 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
9 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1000 OR BOTH.

10 5-133.2.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
12 MEANINGS INDICATED.

13 (2) “FACILITY” HAS THE MEANING STATED IN § 10-101 OF THE
14 HEALTH – GENERAL ARTICLE.

15 (3) “NICS INDEX” MEANS THE FEDERAL BUREAU OF
16 INVESTIGATION’S NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
17 SYSTEM.

18 (B) (1) A COURT SHALL PROMPTLY REPORT INFORMATION
19 REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION THROUGH A SECURE DATA
20 PORTAL APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY AND
21 CORRECTIONAL SERVICES IF A COURT:

22 (I) DETERMINES THAT A PERSON IS NOT CRIMINALLY
23 RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

24 (II) FINDS THAT A PERSON IS INCOMPETENT TO STAND
25 TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE; OR

26 (III) FINDS UNDER § 13-201(C) OR § 13-705 OF THE
27 ESTATES AND TRUST ARTICLE THAT A PERSON SHOULD BE UNDER THE
28 PROTECTION OF A GUARDIAN.

29 (2) ON A FINDING OR DETERMINATION UNDER PARAGRAPH (1)
30 OF THIS SUBSECTION, THE FOLLOWING INFORMATION SHALL BE REPORTED TO
31 THE NICS INDEX:

(I) THE NAME AND IDENTIFYING INFORMATION OF THE PERSON; AND

(II) THE DATE OF THE DETERMINATION OR FINDING.

(C) (1) A FACILITY SHALL REPORT INFORMATION REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION REGARDING A PERSON ADMITTED TO THE FACILITY UNDER § 10-609 OF THE HEALTH – GENERAL ARTICLE OR COMMITTED TO THE FACILITY UNDER TITLE 10, SUBTITLE 6, PART III OF THE HEALTH – GENERAL ARTICLE TO THE NICS INDEX THROUGH A SECURE DATA PORTAL APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IF:

(I) THE PERSON HAS BEEN ADMITTED OR COMMITTED TO A FACILITY FOR 30 CONSECUTIVE DAYS OR MORE; OR

(II) IN THE CASE OF AN INVOLUNTARY ADMISSION TO A FACILITY, A COURT MAKES A DETERMINATION THAT THE PERSON CANNOT SAFELY POSSESS A FIREARM BASED ON CREDIBLE EVIDENCE OF DANGEROUSNESS TO OTHERS.

(2) ON ADMISSION TO A FACILITY THE FOLLOWING INFORMATION SHALL BE REPORTED TO THE NICS INDEX:

(I) THE NAME AND IDENTIFYING INFORMATION OF THE PERSON ADMITTED OR COMMITTED;

(II) THE DATE THE PERSON WAS ADMITTED OR COMMITTED TO THE FACILITY; AND

(III) THE NAME OF THE FACILITY TO WHICH THE PERSON WAS ADMITTED OR COMMITTED.

5-133.3.

(A) IN THIS SECTION, “HEALTH DEPARTMENT” MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(B) A PERSON SUBJECT TO A REGULATED FIREARMS DISQUALIFICATION UNDER § 5-133(B)(6), (7), (8), OR (9) OF THIS SUBTITLE MAY BE AUTHORIZED TO POSSESS A FIREARM IF:

1 **(1) THE PERSON IS NOT SUBJECT TO ANOTHER FIREARMS**
2 **RESTRICTION UNDER STATE OR FEDERAL LAW; AND**

3 **(2) THE HEALTH DEPARTMENT, IN ACCORDANCE WITH THIS**
4 **SECTION, DETERMINES THAT THE PERSON MAY POSSESS A FIREARM.**

5 **(C) A PERSON WHO SEEKS RELIEF FROM A FIREARMS**
6 **DISQUALIFICATION SHALL FILE AN APPLICATION WITH THE HEALTH**
7 **DEPARTMENT IN THE FORM AND MANNER SET BY THE HEALTH DEPARTMENT.**

8 **(D) (1) AN APPLICANT SHALL PROVIDE COMPLETE AND ACCURATE**
9 **DATA ON ALL INFORMATION REQUIRED IN AN APPLICATION UNDER THIS**
10 **SECTION.**

11 **(2) THE APPLICANT SHALL INCLUDE THE FOLLOWING**
12 **INFORMATION IN THE APPLICATION:**

13 **(I) THE REASON WHY THE APPLICANT IS PROHIBITED FROM**
14 **POSSESSING A REGULATED FIREARM UNDER § 5-133(B)(6), (7), (8), OR (9) OF**
15 **THIS SUBTITLE AND WHY THE APPLICANT SHOULD BE RELIEVED FROM THAT**
16 **PROHIBITION;**

17 **(II) A CERTIFICATE ON A FORM APPROVED BY THE HEALTH**
18 **DEPARTMENT AND SIGNED BY AN INDIVIDUAL LICENSED IN THE STATE AS A**
19 **PHYSICIAN WHO IS BOARD CERTIFIED IN PSYCHIATRY OR AS A PSYCHOLOGIST**
20 **AND LISTED IN THE NATIONAL REGISTER OF HEALTH SERVICE PROVIDERS IN**
21 **PSYCHOLOGY THAT PROVIDES:**

22 **1. THAT THE CERTIFICATE WAS ISSUED WITHIN 30**
23 **DAYS OF THE DATE OF THE FILING OF THE PETITION;**

24 **2. THAT THE APPLICANT HAS BEEN EVALUATED AND**
25 **THE SIGNATORY REASONABLY BELIEVES THAT THE APPLICANT IS COMPETENT**
26 **TO UNDERSTAND AND COMPLY WITH THE RULES, REGULATIONS, AND LAW**
27 **GOVERNING FIREARM OWNERSHIP AND POSSESSION AND THE RISKS AND**
28 **RESPONSIBILITIES INHERENT TO FIREARM OWNERSHIP;**

29 **3. THAT THERE IS NO REASON TO BELIEVE THAT THE**
30 **PERSON WILL BECOME INCOMPETENT IN THE FORESEEABLE FUTURE;**

31 **4. AN OPINION AS TO WHETHER THE APPLICANT**
32 **WILL BE LIKELY TO ACT IN A MANNER THAT IS DANGEROUS TO SELF OR PUBLIC**
33 **SAFETY; AND**

1 **5. AN OPINION ON WHETHER GRANTING A FIREARM**
2 **QUALIFICATION LICENSE UNDER § 5-117 OF THIS SUBTITLE WOULD BE**
3 **CONTRARY TO THE PUBLIC INTEREST;**

4 **(III) A SIGNED AUTHORIZATION, ON A FORM APPROVED BY**
5 **THE HEALTH DEPARTMENT ALLOWING THE HEALTH DEPARTMENT TO ACCESS**
6 **ALL RELEVANT HEALTH CARE, MENTAL HEALTH, DISABILITY, GUARDIANSHIP,**
7 **AND CRIMINAL JUSTICE RECORDS, INCLUDING COURT ORDERED OR REQUIRED**
8 **MENTAL HEALTH RECORDS, OF THE APPLICANT FOR USE WITH THE PROCESS;**

9 **(IV) THREE STATEMENTS ON A FORM DESIGNATED BY THE**
10 **HEALTH DEPARTMENT ATTESTING TO THE APPLICANT'S REPUTATION AND**
11 **CHARACTER RELEVANT TO FIREARM OWNERSHIP OR POSSESSION; AND**

12 **(V) ANY OTHER INFORMATION REQUIRED BY THE HEALTH**
13 **DEPARTMENT.**

14 **(3) (I) AT LEAST TWO OF THE STATEMENTS REQUIRED UNDER**
15 **PARAGRAPH (2)(IV) OF THIS SUBSECTION SHALL BE PROVIDED BY AN**
16 **INDIVIDUAL WHO IS NOT RELATED TO THE APPLICANT.**

17 **(II) STATEMENTS PROVIDED UNDER PARAGRAPH (2)(IV) OF**
18 **THIS SUBSECTION MUST BE SIGNED AND DATED WITHIN 30 DAYS OF**
19 **SUBMISSION TO THE HEALTH DEPARTMENT AND PROVIDE CONTACT**
20 **INFORMATION FOR EACH INDIVIDUAL PROVIDING A STATEMENT.**

21 **(4) IF THE APPLICANT IS PROHIBITED FROM FIREARM**
22 **OWNERSHIP UNDER § 5-133(B)(9) OF THIS SUBTITLE, THE FOLLOWING**
23 **ADDITIONAL INFORMATION SHALL BE INCLUDED IN AN APPLICATION FOR**
24 **RELIEF FROM THE PROHIBITION:**

25 **(I) A COPY OF ALL PLEADINGS, AFFIDAVITS, AND**
26 **CERTIFICATES SUBMITTED INTO EVIDENCE AT THE GUARDIANSHIP**
27 **PROCEEDING; AND**

28 **(II) ALL ORDERS ISSUED BY THE COURT RELATING TO THE**
29 **GUARDIANSHIP, INCLUDING, IF APPLICABLE, AN ORDER INDICATING THAT THE**
30 **GUARDIANSHIP IS NO LONGER IN EFFECT.**

31 **(5) IF THE APPLICANT IS PROHIBITED FROM FIREARM**
32 **OWNERSHIP UNDER § 5-133(B)(6), (7), OR (8) OF THIS SUBTITLE, THE**

CERTIFICATE REQUIRED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION
SHALL ALSO INCLUDE:

(I) AN OPINION AS TO WHETHER THE APPLICANT HAS
SYMPTOMS OF A MENTAL DISORDER OR DEVELOPMENTAL DISABILITY THAT
CAUSES THE APPLICANT TO BE A DANGER TO SELF OR OTHERS;

(II) IF THE APPLICANT HAS NO SYMPTOMS THAT CAUSE THE
APPLICANT TO BE A DANGER, HOW MANY MONTHS THE APPLICANT HAS NOT HAD
SYMPTOMS OF A MENTAL DISORDER OR DEVELOPMENTAL DISABILITY THAT
CAUSED THE APPLICANT TO BE A DANGER TO SELF OR OTHERS;

(III) THE TIME PERIOD THE APPLICANT HAS BEEN
COMPLIANT WITH TREATMENT RECOMMENDATIONS FOR THE INDIVIDUAL'S
MENTAL ILLNESS;

(IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ALL
MENTAL HEALTH PROVIDERS OR SERVICE PROVIDERS SEEN WITHIN THE LAST
12 MONTHS;

(V) IF THE APPLICANT WAS FOUND NOT GUILTY BY REASON
OF INSANITY OR NOT CRIMINALLY RESPONSIBLE, A STATEMENT ATTESTING TO
WHETHER THE APPLICANT IS ON CONDITIONAL RELEASE UNDER § 3-114 OF THE
CRIMINAL PROCEDURE ARTICLE; AND

(VI) IF THE APPLICANT WAS FOUND NOT COMPETENT TO
STAND TRIAL AND DANGEROUS, A WRITTEN STATEMENT REGARDING THE
STATUS OF THE RELATED CRIMINAL CHARGE.

(E) THE HEALTH DEPARTMENT MAY NOT APPROVE AN APPLICATION
UNDER THIS SECTION IF A DETERMINATION IS MADE THAT:

(1) THE APPLICANT SUPPLIED 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, THE APPLICANT HAS
NOT SHOWN BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT WILL
BE UNLIKELY TO ACT IN A MANNER DANGEROUS TO SELF OR PUBLIC SAFETY

1 AND THAT GRANTING A PERMIT TO POSSESS A REGULATED FIREARM WOULD
2 NOT BE CONTRARY TO THE PUBLIC INTEREST.

3 (F) (1) IF THE HEALTH DEPARTMENT DETERMINES THAT THE
4 APPLICATION SHALL BE APPROVED ON REVIEW UNDER SUBSECTION (E)(3) OF
5 THIS SECTION, THE HEALTH DEPARTMENT SHALL PROVIDE THE APPLICANT
6 WITH A CERTIFICATE AFFIRMING THE APPLICANT'S MENTAL COMPETENCE TO
7 POSSESS A REGULATED FIREARM.

8 (2) A CERTIFICATE UNDER THIS SUBSECTION SHALL BE
9 PRESENTED TO THE DEPARTMENT OF STATE POLICE AS EVIDENCE OF THE
10 APPLICANT'S ELIGIBILITY TO POSSESS A REGULATED FIREARM.

11 (G) AN APPLICANT WHO IS AGGRIEVED BY THE ACTION OF THE HEALTH
12 DEPARTMENT MAY REQUEST A HEARING BY WRITING TO THE SECRETARY OF
13 HEALTH AND MENTAL HYGIENE WITHIN 30 DAYS AFTER THE HEALTH
14 DEPARTMENT MAILES THE DECISION TO THE APPLICANT.

15 (H) THE HEARING SHALL BE HELD IN ACCORDANCE WITH TITLE 10,
16 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE WITHIN 60 DAYS AFTER THE
17 HEALTH DEPARTMENT RECEIVES THE REQUEST.

18 (I) IF THE APPLICANT REQUESTS A HEARING, THE ADMINISTRATIVE
19 LAW JUDGE SHALL CONDUCT A HEARING AT WHICH THE APPLICANT MAY
20 TESTIFY AND PROVIDE OTHER EVIDENCE.

21 (J) AT A HEARING, THE APPLICANT IS REQUIRED TO PROVIDE
22 EVIDENCE THAT:

23 (1) THE APPLICANT DOES NOT HAVE SYMPTOMS OF A MENTAL
24 DISORDER THAT WOULD CAUSE THE APPLICANT TO BE A DANGER TO SELF OR
25 OTHERS AND HAS NOT HAD SYMPTOMS OF A MENTAL DISORDER FOR AT LEAST 6
26 MONTHS;

27 (2) THE APPLICANT DOES NOT HAVE A MENTAL DISORDER OR
28 MENTAL HEALTH CONDITION THAT PREVENTS THE APPLICANT FROM
29 UNDERSTANDING THE RULES, REGULATIONS, AND LAWS GOVERNING FIREARM
30 OWNERSHIP AND POSSESSION, OR THE RESPONSIBILITIES AND RISKS INVOLVED
31 IN FIREARM OWNERSHIP AND POSSESSION;

32 (3) THE APPLICANT IS NOT LIKELY TO ACT IN A MANNER
33 DANGEROUS TO PUBLIC SAFETY;

1 **(4) GRANTING RELIEF WOULD NOT BE CONTRARY TO PUBLIC**
2 **INTEREST; AND**

3 **(5) THE APPLICANT IS NOT OTHERWISE PROHIBITED FROM**
4 **OWNING OR POSSESSING A FIREARM.**

5 **(K) AT A HEARING UNDER THIS SECTION, THE HEALTH DEPARTMENT IS**
6 **A PARTY AND SHALL PROVIDE EVIDENCE REGARDING:**

7 **(1) THE CIRCUMSTANCES UNDER WHICH THE FIREARMS**
8 **PROHIBITION WAS IMPOSED UNDER STATE OR FEDERAL LAW; AND**

9 **(2) THE APPLICANT'S RECORD, INCLUDING THE APPLICANT'S**
10 **MENTAL HEALTH AND CRIMINAL HISTORY RECORDS.**

11 **(L) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE APPLICANT**
12 **HAS MET, BY CLEAR AND CONVINCING EVIDENCE, THE STANDARDS OF**
13 **SUBSECTION (J) OF THIS SECTION THE ADMINISTRATIVE LAW JUDGE SHALL:**

14 **(1) ISSUE A WRITTEN DETERMINATION THAT THE APPLICANT IS**
15 **RELIEVED FROM THE FIREARMS DISQUALIFICATION IMPOSED BY 18 U.S.C. §**
16 **922(D)(4) AND (G)(4) AND § 5-133(B)(6), (7), (8), OR (9) OF THIS SUBTITLE; AND**

17 **(2) PROVIDE TO THE NICS INDEX, THROUGH A SECURE DATA**
18 **PORTAL APPROVED BY THE DEPARTMENT OF STATE POLICE:**

19 **(I) THE NAME AND IDENTIFYING INFORMATION OF THE**
20 **APPLICANT; AND**

21 **(II) THE DATE OF THE DETERMINATION.**

22 **(M) AN APPLICANT OR THE DEPARTMENT MAY SEEK JUDICIAL REVIEW**
23 **OF A DETERMINATION OF THE ADMINISTRATIVE LAW JUDGE ON AN**
24 **APPLICATION UNDER THIS SECTION FOR RELIEF FROM A FIREARMS**
25 **PROHIBITION IN ACCORDANCE WITH §§ 10-222 AND 10-223 OF THE STATE**
26 **GOVERNMENT ARTICLE.**

27 **(N) AFTER A DETERMINATION ON THE MERITS OF A HEARING**
28 **REQUESTED UNDER THIS SECTION, AN APPLICANT MAY NOT REQUEST A**
29 **SUBSEQUENT HEARING WITHIN 1 YEAR AFTER THE COMPLETION OF THE**
30 **HEARING PROCESS AND ANY JUDICIAL REVIEW OF THE ADMINISTRATIVE**
31 **DECISION.**

1 **(O) THE HEALTH DEPARTMENT SHALL ENTER INTO A MEMORANDUM**
2 **OF UNDERSTANDING WITH THE DEPARTMENT OF STATE POLICE TO ASSIST IN**
3 **CLINICAL CONSULTATION AND IMPLEMENTATION OF THIS SECTION.**

4 **5-143.**

5 **(A) (1) A PERSON WHO MOVES INTO THE STATE WITH THE INTENT OF**
6 **BECOMING A RESIDENT SHALL REGISTER ALL REGULATED FIREARMS WITH THE**
7 **SECRETARY WITHIN 30 DAYS AFTER ESTABLISHING RESIDENCY.**

8 **(2) THE SECRETARY SHALL PREPARE AND, ON REQUEST OF AN**
9 **APPLICANT, PROVIDE AN APPLICATION FORM FOR REGISTRATION UNDER THIS**
10 **SECTION.**

11 **(B) AN APPLICATION FOR REGISTRATION UNDER THIS SECTION SHALL**
12 **CONTAIN:**

13 **(1) THE MAKE, MODEL, MANUFACTURER'S SERIAL NUMBER,**
14 **CALIBER, TYPE, BARREL LENGTH, FINISH, AND COUNTRY OF ORIGIN OF THE**
15 **REGULATED FIREARM; AND**

16 **(2) THE FIREARM APPLICANT'S NAME, ADDRESS, SOCIAL**
17 **SECURITY NUMBER, PLACE AND DATE OF BIRTH, HEIGHT, WEIGHT, RACE, EYE**
18 **AND HAIR COLOR, SIGNATURE, DRIVER'S OR PHOTOGRAPHIC IDENTIFICATION**
19 **SOUNDEX NUMBER, AND OCCUPATION.**

20 **(C) EACH APPLICATION FOR REGISTRATION FILED WITH THE**
21 **SECRETARY OF STATE POLICE SHALL BE ACCOMPANIED BY A NONREFUNDABLE**
22 **REGISTRATION FEE OF \$15.**

23 **(D) REGISTRATION DATA PROVIDED UNDER THIS SECTION IS NOT OPEN**
24 **TO PUBLIC INSPECTION.**

25 **[5-143.] 5-144.**

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

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

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

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

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

5-205.

(A) THIS SUBTITLE DOES NOT APPLY TO A RIFLE OR SHOTGUN THAT IS AN ANTIQUE FIREARM AS DEFINED IN § 4-201 OF THE CRIMINAL LAW ARTICLE.

(B) A PERSON MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON:

(1) HAS BEEN CONVICTED OF A DISQUALIFYING CRIME AS DEFINED IN § 5-101 OF THIS TITLE;

(2) HAS BEEN CONVICTED OF A VIOLATION CLASSIFIED AS A CRIME UNDER COMMON LAW AND RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2 YEARS;

(3) IS A FUGITIVE FROM JUSTICE;

(4) IS A HABITUAL DRUNKARD AS DEFINED IN § 5-101 OF THIS TITLE;

(5) IS ADDICTED TO A CONTROLLED DANGEROUS SUBSTANCE OR IS A HABITUAL USER AS DEFINED IN § 5-101 OF THIS TITLE;

(6) 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

(7) 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.

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

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

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

6 **(D) THIS SECTION DOES NOT APPLY TO A PERSON TRANSPORTING A**
7 **RIFLE OR SHOTGUN IF THE PERSON IS CARRYING A CIVIL PROTECTIVE ORDER**
8 **REQUIRING THE SURRENDER OF THE RIFLE OR SHOTGUN AND:**

9 **(1) THE RIFLE OR SHOTGUN IS UNLOADED;**

10 **(2) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT,**
11 **BARRACKS, OR STATION THAT THE RIFLE OR SHOTGUN IS BEING TRANSPORTED**
12 **IN ACCORDANCE WITH THE CIVIL PROTECTIVE ORDER; AND**

13 **(3) THE PERSON TRANSPORTS THE RIFLE OR SHOTGUN DIRECTLY**
14 **TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

15 **[(b)] (E)** A person who violates this section is guilty of a misdemeanor and
16 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
17 \$1,000 or both.

18 5–206.

19 (a) A person may not possess a rifle or shotgun if the person was previously
20 convicted of:

21 (1) a crime of violence **AS DEFINED IN § 5–101 OF THIS TITLE;**

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

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

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

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

30 5–301.

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

2 (b) “Board” means the Handgun Permit Review Board.

3 (c) “Handgun” has the meaning stated in § 4–201 of the Criminal Law
4 Article.

5 (d) “Permit” means a permit issued by the Secretary to carry, wear, or
6 transport a handgun.

7 **(E) “QUALIFIED HANDGUN INSTRUCTOR” HAS THE MEANING STATED IN**
8 **§ 5–101 OF THIS TITLE.**

9 **[(e)] (F)** “Secretary” means the Secretary of State Police or the Secretary’s
10 designee.

11 5–306.

12 (a) Subject to subsection **[(b)] (C)** of this section, the Secretary shall issue a
13 permit within a reasonable time to a person who the Secretary finds:

14 (1) is an adult;

15 (2) (i) has not been convicted of a felony or of a misdemeanor for
16 which a sentence of imprisonment for more than 1 year has been imposed; or

17 (ii) if convicted of a crime described in item (i) of this item, has
18 been pardoned or has been granted relief under 18 U.S.C. § 925(c);

19 (3) has not been convicted of a crime involving the possession, use, or
20 distribution of a controlled dangerous substance;

21 (4) is not presently an alcoholic, addict, or habitual user of a controlled
22 dangerous substance unless the habitual use of the controlled dangerous substance is
23 under legitimate medical direction; **[and]**

24 **(5) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
25 **HAS SUCCESSFULLY COMPLETED PRIOR TO APPLICATION AND EACH RENEWAL,**
26 **A FIREARMS TRAINING COURSE APPROVED BY THE SECRETARY THAT**
27 **INCLUDES:**

28 **(I) A MINIMUM OF 16 HOURS OF INSTRUCTION BY A**
29 **QUALIFIED HANDGUN INSTRUCTOR;**

30 **(II) CLASSROOM INSTRUCTION ON:**

1 1. STATE FIREARM LAW;

2 2. HOME FIREARM SAFETY; AND

3 3. HANDGUN MECHANISMS AND OPERATION; AND

4 (III) A FIREARMS QUALIFICATION COMPONENT THAT
5 DEMONSTRATES THE APPLICANT'S PROFICIENCY AND USE OF THE FIREARM;
6 AND

7 [(5)] (6) based on an investigation:

8 (i) has not exhibited a propensity for violence or instability that
9 may reasonably render the person's possession of a handgun a danger to the person or
10 to another; and

11 (ii) has good and substantial reason to wear, carry, or transport
12 a handgun, such as a finding that the permit is necessary as a reasonable precaution
13 against apprehended danger.

14 (B) AN APPLICANT FOR A PERMIT IS NOT REQUIRED TO COMPLETE A
15 CERTIFIED FIREARMS TRAINING COURSE UNDER SUBSECTION (A) OF THIS
16 SECTION IF THE APPLICANT:

17 (1) IS A LAW ENFORCEMENT OFFICER OF THE UNITED STATES,
18 THE STATE, OR ANY LOCAL LAW ENFORCEMENT AGENCY IN THE STATE;

19 (2) IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES
20 OR THE NATIONAL GUARD; OR

21 (3) HAS COMPLETED A FIREARMS TRAINING COURSE APPROVED
22 BY THE SECRETARY.

23 [(b)] (C) An applicant under the age of 30 years is qualified only if the
24 Secretary finds that the applicant has not been:

25 (1) committed to a detention, training, or correctional institution for
26 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile
27 court; or

28 (2) adjudicated delinquent by a juvenile court for:

29 (i) an act that would be a crime of violence if committed by an
30 adult;

1 (ii) an act that would be a felony in this State if committed by
2 an adult; or

3 (iii) an act that would be a misdemeanor in this State that
4 carries a statutory penalty of more than 2 years if committed by an adult.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.