

# HOUSE BILL 794

E4  
SB 159/23 – JPR

4lr3229  
CF 4lr3226

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By: **Delegates Moon, Ebersole, and J. Lewis**  
Introduced and read first time: January 31, 2024  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Regulated Firearms – Maryland Voluntary Do Not Sell Firearm Process**

3 FOR the purpose of requiring the Maryland Department of Health to create and maintain  
4 a Maryland Voluntary Do Not Sell Firearm Registry in which a person may  
5 voluntarily enroll for the purpose of being prohibited from obtaining a regulated  
6 firearm; prohibiting a dealer or other person from selling, renting, loaning, or  
7 transferring a regulated firearm to a purchaser, lessee, borrower, or transferee who  
8 the dealer or other person knows or has reason to believe is registered on the registry;  
9 prohibiting certain acts involving the giving of false information and discrimination  
10 relating to the registry; requiring a custodian of records to deny inspection of certain  
11 records relating to the registry; and generally relating to the Maryland Voluntary  
12 Do Not Sell Firearm Registry.

13 BY repealing and reenacting, with amendments,  
14 Article – Public Safety  
15 Section 5–134(b)  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume and 2023 Supplement)

18 BY adding to  
19 Article – Public Safety  
20 Section 5–901 through 5–906 to be under the new subtitle “Subtitle 9. The Maryland  
21 Voluntary Do Not Sell Firearm Registry”  
22 Annotated Code of Maryland  
23 (2022 Replacement Volume and 2023 Supplement)

24 BY adding to  
25 Article – General Provisions  
26 Section 4–325.1  
27 Annotated Code of Maryland  
28 (2019 Replacement Volume and 2023 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – Tax – General  
3 Section 13–203(c)  
4 Annotated Code of Maryland  
5 (2022 Replacement Volume and 2023 Supplement)

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

8 **Article – Public Safety**

9 5–134.

10 (b) A dealer or other person may not sell, rent, loan, or transfer a regulated  
11 firearm to a purchaser, lessee, borrower, or transferee who the dealer or other person knows  
12 or has reasonable cause to believe:

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

15 (2) has been convicted of a disqualifying crime;

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

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

19 (5) is a fugitive from justice;

20 (6) is a habitual drunkard;

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

22 (8) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health  
23 – General Article, and has a history of violent behavior against the purchaser, lessee,  
24 borrower, or transferee or another, unless the purchaser, lessee, borrower, or transferee  
25 possesses a physician’s certificate that the recipient is capable of possessing a regulated  
26 firearm without undue danger to the purchaser, lessee, borrower, or transferee or to  
27 another;

28 (9) has been confined for more than 30 consecutive days to a facility as  
29 defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, borrower,  
30 or transferee possesses a physician’s certificate that the recipient is capable of possessing  
31 a regulated firearm without undue danger to the purchaser, lessee, borrower, or transferee  
32 or to another;

1 (10) is a respondent against whom a current non ex parte civil protective  
2 order has been entered under § 4-506 of the Family Law Article;

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

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

7 (13) is a participant in a straw purchase;

8 (14) subject to subsection (c) of this section for a transaction under this  
9 subsection that is made on or after January 1, 2002, has not completed a certified firearms  
10 safety training course conducted free of charge by the Maryland Police Training and  
11 Standards Commission or that meets standards established by the Maryland Police  
12 Training and Standards Commission under § 3-207 of this article; [or]

13 **(15) IS REGISTERED ON THE MARYLAND VOLUNTARY DO NOT SELL**  
14 **FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THIS TITLE; OR**

15 ~~[(15)]~~ **(16)** intends to use the regulated firearm to:

16 (i) commit a crime; or

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

19 **SUBTITLE 9. THE MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY.**

20 **5-901.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

23 **(B) “CENTRAL REPOSITORY” HAS THE MEANING STATED IN § 5-108 OF THIS**  
24 **TITLE.**

25 **(C) “DEPARTMENT” MEANS THE MARYLAND DEPARTMENT OF HEALTH.**

26 **(D) “REGISTRY” MEANS THE MARYLAND VOLUNTARY DO NOT SELL**  
27 **FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THIS SUBTITLE.**

28 **(E) “REGULATED FIREARM” HAS THE MEANING STATED IN § 5-101 OF THIS**  
29 **TITLE.**

1 (F) "SECRETARY" MEANS THE SECRETARY OF HEALTH OR THE  
2 SECRETARY'S DESIGNEE.

3 5-902.

4 ON OR BEFORE DECEMBER 31, 2024, THE DEPARTMENT SHALL CREATE AND  
5 MAINTAIN THE MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY IN  
6 WHICH A PERSON MAY VOLUNTARILY ENROLL FOR THE PURPOSE OF BEING  
7 PROHIBITED FROM OBTAINING A REGULATED FIREARM.

8 5-903.

9 (A) A REGISTRY APPLICANT SHALL:

10 (1) BE AT LEAST 18 YEARS OLD; AND

11 (2) SUBMIT TO THE DEPARTMENT A REGISTRY APPLICATION ON THE  
12 FORM THAT THE SECRETARY PROVIDES.

13 (B) (1) A REGISTRY APPLICATION SHALL CONTAIN THE APPLICANT'S  
14 NAME, ADDRESS, SOCIAL SECURITY NUMBER, PLACE AND DATE OF BIRTH, HEIGHT,  
15 WEIGHT, RACE, EYE AND HAIR COLOR, SIGNATURE, DRIVER'S LICENSE OR  
16 PHOTOGRAPHIC IDENTIFICATION SOUNDEX NUMBER, AND OCCUPATION.

17 (2) IN A REGISTRY APPLICATION, A REGISTRY APPLICANT SHALL  
18 ATTEST THAT:

19 (I) ALL THE INFORMATION CONTAINED IN THE APPLICATION IS  
20 TRUE; AND

21 (II) THE REGISTRY APPLICANT IS AUTHORIZED TO SUBMIT AN  
22 APPLICATION.

23 (C) THE REGISTRY APPLICATION FORM SHALL INFORM THE APPLICANT OF:

24 (1) THE PROCESS FOR REMOVAL FROM THE REGISTRY; AND

25 (2) THE PENALTIES SPECIFIED UNDER § 5-905 OF THIS SUBTITLE.

26 (D) WITHIN 5 DAYS AFTER RECEIVING A PROPERLY COMPLETED REGISTRY  
27 APPLICATION, THE SECRETARY SHALL:

1           (1) IN COORDINATION WITH THE MOTOR VEHICLE ADMINISTRATION  
2 AND THE COMPTROLLER, BEGINNING WITH THE MOTOR VEHICLE  
3 ADMINISTRATION'S RECORDS, VERIFY THE IDENTITY OF THE APPLICANT;

4           (2) APPROVE THE APPLICATION;

5           (3) ISSUE TO THE APPLICANT WRITTEN CONFIRMATION OF  
6 APPROVAL; AND

7           (4) NOTIFY THE CENTRAL REPOSITORY AND THE MARYLAND STATE  
8 POLICE OF THE APPLICANT'S PLACEMENT ON THE REGISTRY.

9 **5-904.**

10          (A) TO BE REMOVED FROM THE REGISTRY, A PERSON SHALL SUBMIT TO THE  
11 DEPARTMENT A REQUEST FOR REMOVAL FROM THE REGISTRY ON THE FORM THAT  
12 THE SECRETARY PROVIDES.

13          (B) PROMPTLY, BUT NOT SOONER THAN 21 DAYS AFTER RECEIVING A  
14 PROPERLY COMPLETED REQUEST FOR REMOVAL FROM THE REGISTRY, THE  
15 SECRETARY SHALL:

16           (1) IN COORDINATION WITH THE MOTOR VEHICLE ADMINISTRATION  
17 AND THE COMPTROLLER, BEGINNING WITH THE MOTOR VEHICLE  
18 ADMINISTRATION'S RECORDS, VERIFY THE IDENTITY OF THE APPLICANT;

19           (2) APPROVE THE REQUEST;

20           (3) ISSUE TO THE REQUESTOR WRITTEN CONFIRMATION OF  
21 REMOVAL; AND

22           (4) NOTIFY THE CENTRAL REPOSITORY AND THE MARYLAND STATE  
23 POLICE OF THE REQUESTOR'S REMOVAL FROM THE REGISTRY.

24 **5-905.**

25          (A) A PERSON MAY NOT:

26           (1) KNOWINGLY GIVE FALSE INFORMATION WITH THE INTENT OF  
27 ENROLLING OR REMOVING ANOTHER PERSON FROM THE REGISTRY; OR

28           (2) DISCRIMINATE AGAINST ANY PERSON WITH RESPECT TO HEALTH  
29 CARE SERVICES, EMPLOYMENT, EDUCATION, HOUSING, INSURANCE,  
30 GOVERNMENTAL BENEFITS, OR CONTRACTING BECAUSE THAT PERSON IS

1 ENROLLED ON THE REGISTRY, IS NOT ENROLLED ON THE REGISTRY, OR HAS  
2 PREVIOUSLY BEEN ENROLLED ON THE REGISTRY.

3 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
4 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A  
5 FINE NOT EXCEEDING \$1,000 OR BOTH.

6 5-906.

7 THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
8 PROVISIONS OF THIS SUBTITLE.

9 Article – General Provisions

10 4-325.1.

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

13 (2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §  
14 3-201 OF THE PUBLIC SAFETY ARTICLE.

15 (3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE  
16 PUBLIC SAFETY ARTICLE.

17 (4) “REGISTRY” MEANS THE MARYLAND VOLUNTARY DO NOT SELL  
18 FIREARM REGISTRY ESTABLISHED UNDER § 5-902 OF THE PUBLIC SAFETY  
19 ARTICLE.

20 (B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A  
21 CUSTODIAN SHALL DENY INSPECTION OF AN APPLICATION TO BE ENROLLED INTO  
22 OR REMOVED FROM THE REGISTRY AND ANY OTHER PERSONAL IDENTIFYING  
23 INFORMATION CONTAINED IN OR RELATED TO THE REGISTRY.

24 (C) A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN  
25 SUBSECTION (B) OF THIS SECTION BY:

26 (1) THE INDIVIDUAL NAMED IN THE RECORD; OR

27 (2) THE ATTORNEY OF RECORD OF THE INDIVIDUAL NAMED IN THE  
28 RECORD.

29 (D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT:

1           **(1) A LAW ENFORCEMENT AGENCY OR A POLICE OFFICER FROM**  
2 **ACCESSING RECORDS RELATING TO THE REGISTRY IN THE PERFORMANCE OF**  
3 **OFFICIAL DUTY; OR**

4           **(2) THE DISCLOSURE THAT A PERSON IS OR IS NOT LISTED ON THE**  
5 **REGISTRY IN CONNECTION WITH A LAW ENFORCEMENT FIREARM TRANSFER**  
6 **BACKGROUND CHECK.**

7   **Article – Tax – General**

8 13–203.

9           (c) Tax information may be disclosed to:

10               (1) an employee or officer of the State who, by reason of that employment  
11 or office, has the right to the tax information;

12               (2) another tax collector;

13               (3) the Maryland Tax Court;

14               (4) a legal representative of the State, to review the tax information about  
15 a taxpayer:

16                       (i) who applies for review under this title;

17                       (ii) who appeals from a determination under this title; or

18                       (iii) against whom an action to recover tax or a penalty is pending or  
19 will be initiated under this title;

20               (5) any license issuing authority of the State required by State law to verify  
21 through the Comptroller that an applicant has paid all undisputed taxes and  
22 unemployment insurance contributions payable to the Comptroller or the Secretary of  
23 Labor or that the applicant has provided for payment in a manner satisfactory to the unit  
24 responsible for collection;

25               (6) a local official as defined in § 13–925 of this title to the extent necessary  
26 to administer Subtitle 9, Part V of this title;

27               (7) a federal official as defined in § 13–930 of this title to the extent  
28 necessary to administer Subtitle 9, Part VI of this title;

29               (8) the Maryland Department of Health in accordance with the federal  
30 Children’s Health Insurance Program Reauthorization Act of 2009;

1 (9) the State Board of Individual Tax Preparers;

2 (10) the Alcohol and Tobacco Commission;

3 (11) the Maryland 9–1–1 Board;

4 (12) a person or governmental entity authorized by the Comptroller in  
5 writing to receive tax information for the purpose of identifying, preventing, or responding  
6 to fraud, provided that the tax information is:

7 (i) anonymized to the extent possible consistent with the  
8 information's intended use; and

9 (ii) in addition to any other protections and safeguards under law,  
10 subject to any protections and safeguards set forth by the Comptroller in the written  
11 authorization;

12 (13) the Maryland Higher Education Commission;

13 (14) a hospital, the Health Services Cost Review Commission, the  
14 Department of Human Services, the Maryland Department of Health, and the State  
15 Department of Education, to the extent necessary to administer § 19–214.4 of the Health –  
16 General Article; [and]

17 (15) subject to subsection (e) of this section, the Maryland Small Business  
18 Retirement Savings Board and its authorized contractors for the purpose of administering  
19 the Maryland Small Business Retirement Savings Program and Trust as authorized under  
20 Title 12 of the Labor and Employment Article; **AND**

21 **(16) THE MARYLAND DEPARTMENT OF HEALTH SOLELY TO VERIFY**  
22 **THROUGH THE COMPTROLLER THE NAME AND ADDRESS OF APPLICANTS TO THE**  
23 **MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY UNDER TITLE 5,**  
24 **SUBTITLE 9 OF THE PUBLIC SAFETY ARTICLE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2024.