

or which regulates the discharge of firearms within a jurisdiction.

4. Law enforcement agency. Nothing in this section limits the power of any law enforcement agency to regulate the type and use of firearms issued or authorized by that agency for use by its employees. For the purposes of this section "law enforcement agency" has the same meaning as set forth in section 3701.

2012. Sale of firearms to include safety brochure.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Basic firearm safety brochure" means a brochure, produced by a national, nonprofit membership organization that provides a comprehensive voluntary safety program including the training of people in the safe handling and use of firearms or by any other organization, that

contains the following information relating to firearms:

(1) Rules for safe handling, storage and use of firearms;

(2) Nomenclature and descriptions of various types of firearms; and

(3) Responsibilities of firearm ownership.

B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

C. "Firearm dealer" means a person who is licensed as a dealer under 18 United States Code, Section 923, or who is required to be licensed as a dealer under that section.

2. Requirement. A firearm dealer must:

A. Include a basic firearm safety brochure with every firearm sold at retail in this State, except that the brochure need not be supplied by the firearm dealer if the firearm manufacturer provides a basic firearm safety brochure with the firearm. The dealer may collect a charge for the

brochure, which may not be greater than the dealer's cost to obtain the brochure;

B. Offer to demonstrate to the purchaser the use of a trigger locking device; and

C. Post in a conspicuous place information relating to the availability of known local voluntary firearm safety programs.

3. No liability. Organizations that produce basic firearm safety brochures for distribution to firearm dealers for subsequent distribution to purchasers of firearms and firearm dealers are not liable for injuries resulting from the accidental discharge of nondefective firearms purchased from any dealer.

[Current through 2nd Regular & Special Sessions 121st Me. Legislature (2004), including 2004 Me. Laws 614 (LD 1743) & 657 (LD 1844)]

MARYLAND Md. Code

Publisher's Note

The firearm provisions previously contained in Article 27 (Crimes and Punishments) have been recodified in the Criminal Law Article enacted during the 2002 Regular Session and in the Public Safety Article enacted during the 2003 Regular Session.

Criminal Law Article

Title 1. General Provisions

Subtitle 1. Definitions

1-101. Definitions.

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

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

Title 4. Weapon Crimes

Subtitle 1. General Provisions

4-101. Dangerous weapons.

(a) Definitions.

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

(5)(i) "Weapon" includes a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku.

(ii) "Weapon" does not include:

1. A handgun; or
2. A penknife without a switchblade.

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

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

(2) A special agent of a railroad;

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

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

(c) Prohibited.

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

(2) A person may not wear or carry a dangerous weapon, chemical mace, pepper mace, or a tear gas device openly with the intent or purpose of injuring an individual in an unlawful manner.

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

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

1. On a bona fide hunting trip; or
2. Engaged in or on the way to or returning from a bona fide trap shoot, sport shooting event, or any organized civic or military activity.

(d) Penalties.

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

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

4-102. Deadly Weapons on School Property.

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

(1) A law enforcement officer in the regular course of the officer's duty;

(2) A person hired by a county board of education specifically for the purpose of guarding public school property;

(3) A person engaged in organized shooting activity for educational purposes; or

(4) A person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

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

(c) Penalty.

(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under subtitle 2 of this title.

4-104. Child's Access to Firearms.

(a) Definitions.

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

(2) "Ammunition" means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) "Child" means an individual under the age of 16 years.

(4)(i) "Firearm" means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or any other firearm.

(ii) "Firearm" does not include an antique firearm as defined in § 4-201 of this title.

(b) Exceptions. This section does not apply if:

(1) The child's access to a firearm is supervised by an individual at least 18 years old;

(2) The child's access to a firearm was obtained as a result of an unlawful entry;

(3) The firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or

(4) The child has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

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

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

(e) Effect of violation.

(1) A violation of this section may not:

- (i)** Be considered evidence of negligence;
- (ii)** Be considered evidence of contributory negligence;
- (iii)** Limit liability of a party or an insurer; or
- (iv)** Diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.

(2) A party, witness, or lawyer may not refer to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

Subtitle 2. Handguns

4-201. Definitions.

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

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

- (1)** A firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or
- (2)** A replica of a firearm described in item (1) of this subsection that:
 - (i)** Is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or
 - (ii)** Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(c) Handgun.

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

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

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

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

- (1)** A full-time member of a police force or other unit of the United States, a state, a county, a municipal corporation, or other political subdivision of a state who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, a state, a county, a municipal corporation, or other political subdivision of a state;
- (2)** A part-time member of a police force of a county or municipal corporation who is certified by the county or municipal corporation as being trained and qualified in the use of handguns; or
- (3)** A fire investigator of the Prince George's County Fire Department who:
 - (i)** Is certified by Prince George's County as being trained and qualified in the use of handguns; and
 - (ii)** Has met the minimum qualifications and has satisfactorily completed the training required by the Maryland Police Training Commission; or
- (4)** a Montgomery County fire and explosive investigator as defined in § 2- 208.1 of the Criminal Procedure Article.

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

- (1)** Designed or redesigned, made or remade, and intended to be fired from the shoulder; and
- (2)** Designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

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

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

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

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

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

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

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

- (1)** Designed or redesigned, made or remade, and intended to be fired from the shoulder; and
- (2)** Designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.

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

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

(a) Prohibited.

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

- (i)** Wear, carry, or transport a handgun, whether concealed or open, on or about the person; or
- (ii)** Wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) Exceptions. This section does not prohibit:

- (1)** The wearing, carrying, or transporting of a handgun by a person who is on active assignment engaged in law enforcement, is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:
 - (i)** A law enforcement official of the United States, the State, or a county or city of the State;
 - (ii)** A member of the armed forces of the United States or of the national guard on duty or traveling to or from duty;
 - (iii)** A law enforcement official of another state or subdivision of another state temporarily in this State on official business;
 - (iv)** A correctional officer or warden of a correctional facility in the State;
 - (v)** A sheriff or full-time assistant or deputy sheriff of the State; or
 - (vi)** A temporary or part-time sheriff's deputy;
- (2)** The wearing, carrying, or transporting of a handgun by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) The carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the per-

son if each handgun is unloaded and carried in an enclosed case or enclosed holster;

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

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

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

(7) The wearing, carrying, or transporting of a handgun by a supervisory employee:

- (i)** In the course of employment;
- (ii)** Within the confines of the business establishment in which the supervisory employee is employed; and
- (iii)** When so authorized by the owner or manager of the business establishment; or

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

(c) Penalty.

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

(2) If the person has not previously been convicted under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

- (i)** Except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not less than \$250 and not exceeding \$2,500 or both; but
- (ii)** If it appears from the evidence that the handgun was worn, carried, or transported on public school property in the state, the person shall be sentenced to imprisonment for not less than 90 days.

(3)(i) If the person has previously been convicted once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, the person shall be sentenced:

- 1. To imprisonment for not less than 1 year and not exceeding 10 years; but
- 2. If it appears from the evidence that the handgun was worn, carried, or transported on public school property in the state, to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) The court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

(4)(i) If the person has previously been convicted more than once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, or of any combination of these crimes, the person shall be sentenced:

- 1. To imprisonment for not less than 3 years and not exceeding 10 years; but

2.a. If it appears from the evidence that the handgun was worn, carried, or transported on public school property in the state, to imprison-

ment for not less than 5 years and not exceeding 10 years; or

(b) If it appears from the evidence that the handgun was worn, carried, or transported with the deliberate purpose of injuring or killing another person, to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) The court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

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.

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

(d) Discharge of firearms.

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

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

Subtitle 3. Assault Pistols and Detachable Magazines

4-301. "Assault pistol" defined. In this subtitle, "assault pistol" means any of the following firearms or a copy regardless of the producer or manufacturer:

(1) AA Arms AP-9 semiautomatic pistol;
(2) Bushmaster semiautomatic pistol;
(3) Claridge HI-TEC semiautomatic pistol;
(4) D Max Industries semiautomatic pistol;
(5) Encom MK-IV, MP-9, OR MP-45 semiautomatic pistol;
(6) Heckler and Koch semiautomatic SP-89 pistol;
(7) Holmes MP-83 semiautomatic pistol;
(8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;
(9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire variation;
(10) P.A.W.S. type semiautomatic pistol;

(11) Skorpion semiautomatic pistol;
(12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
(13) UZI semiautomatic pistol;
(14) Weaver Arms semiautomatic Nighthawk pistol; or
(15) Wilkinson semiautomatic "Linda" pistol.

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

(1) If acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the national guard, or law enforcement personnel of the State or a local unit in the State;

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

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

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

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

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

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

(6) The receipt of an assault pistol or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate.

4-303. Assault pistols - prohibited.

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

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

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

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

4-304. Same - seizure and disposition. A law enforcement unit may seize as contraband and dispose of according to regulation an assault pistol transported, sold, transferred, purchased, received, or possessed in violation of this subtitle.

4-305. Detachable magazines - prohibited.

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

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

4-306. Penalties.

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

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

Subtitle 4. Uniform Machine Gun Act

4-401. Definitions.

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

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

4-402. Possession of machine gun.

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

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

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

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

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

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

(c) Seizure and confiscation.

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

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

4-403. Registration of machine gun.

(a) Manufacturer registration.

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

(2) The register shall contain:

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

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

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

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

(b) Inspection of manufacturer stock.

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

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

(c) Registration of possession.

(1) A person who acquires a machine gun shall register the machine gun with the secretary of the state police:

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

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

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

(3) An application for registration shall contain:

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

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

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

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

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

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

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

(1) The machine gun:

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

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

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

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

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

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

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

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

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

Subtitle 5. Destructive Devices.

4-501. Definitions.

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

(b) Destructive device.

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

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

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

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

(c) Explosive material.

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

(2) "Explosive material" includes:

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

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

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

(d) Incendiary material.

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

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

(e) Toxic material.

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

(2) "Toxic material" includes:

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

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

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

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

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

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

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

4-503. Manufacture or possession of destructive device.

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

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

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

(b) **Penalty.**

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

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

(3) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privi-

lege of the minor for a specified period not to exceed:

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

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

(c) Restitution.

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

(i) The State, county, municipal corporation, bicounty agency, or special taxing district for actual costs reasonably incurred due to the placement, delivery, or detonation of a destructive device, including the search for, removal of, and damages caused by a destructive device; and

(ii) The owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property or damage sustained due to the placement, delivery, or detonation of a destructive device.

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

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

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

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

Subtitle 6. Crimes - Controlled Dangerous Substances and Paraphernalia

Part III. Related and Derivative Crimes

5-622. Firearm crimes.

(a) **"Firearm" defined.** In this section, "firearm" includes:

(1) A handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those words are defined in § 4-201 of this article;

(2) A machine gun, as defined in § 4-401 of this article; and

(3) A regulated firearm, as defined in § 5-101 of the Public Safety Article.

(b) **Prohibited.** A person may not possess, own, carry, or transport a firearm if that person has been convicted of:

(1) A felony under this title;

(2) A crime under the laws of another state or of the United States that would be a felony under this title if committed in this State;

(3) Conspiracy to commit a crime referred to in paragraphs (1) and (2) of this subsection; or

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

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

Public Safety Article

Title 5. Firearms

Subtitle 1. Regulated Firearms

5-101. Definitions.

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

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

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

- (1) abduction;
- (2) arson in the first degree;
- (3) assault in the first or second degree;
- (4) burglary in the first, second, or third degree;
- (5) carjacking and armed carjacking;
- (6) escape in the first degree;
- (7) kidnapping;
- (8) voluntary manslaughter;
- (9) maiming as previously proscribed under former Article 27, § 386 of the Code;
- (10) mayhem as previously proscribed under former Article 27, § 384 of the Code;
- (11) murder in the first or second degree;
- (12) rape in the first or second degree;
- (13) robbery;
- (14) robbery with a dangerous weapon;
- (15) sexual offense in the first, second, or third degree;
- (16) an attempt to commit any of the crimes listed in items (1) through (15) of this subsection; or

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

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

- (1) selling, renting, or transferring firearms at wholesale or retail; or
- (2) repairing firearms.

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

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

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

- (1) a crime of violence;
- (2) a violation classified as a felony in the State; or
- (3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

(h) Firearm.

(1) "Firearm" means:

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

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

(2) "Firearm" includes a starter gun.

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

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

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

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

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

(n) Handgun.

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

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

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

(p) **Regulated firearm.** "Regulated firearm" means:

(1) a handgun; or

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

(i) American Arms Spectre da Semiautomatic carbine;

(ii) AK-47 in all forms;

(iii) Algimec AGM-1 type semi-auto;

(iv) AR 100 type semi-auto;

(v) AR 180 type semi-auto;

(vi) Argentine L.S.R. semi-auto;

(vii) Australian Automatic Arms SAR type semi-auto;

(viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;

(ix) Barrett light .50 cal. semi-auto;

(x) Beretta AR70 type semi-auto;

(xi) Bushmaster semi-auto rifle;

(xii) Calico models M-100 and M-900;

(xiii) CIS SR 88 type semi-auto;

(xiv) Claridge HI TEC C-9 carbines;

(xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;

(xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;

(xvii) Dragunov Chinese made semi-auto;

(xviii) Famas semi-auto (.223 caliber);

(xix) Feather AT-9 semi-auto;

(xx) FN LAR and FN FAL assault rifle;

(xxi) FNC semi-auto type carbine;

(xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;

(xxiii) Steyr-AUG-SA semi-auto;

(xxiv) Galil models AR and ARM semi-auto;

(xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;

(xxvi) Holmes model 88 shotgun;

(xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;

(xxviii) Manchester Arms "Commando" MK-45, MK-9;

(xxix) Mandell TAC-1 semi-auto carbine;

(xxx) Mossberg model 500 Bullpup assault shotgun;

(xxxi) Sterling Mark 6;

(xxxii) P.A.W.S. carbine;

(xxxiii) Ruger mini-14 folding stock model (.223 caliber);

(xxxiv) SIG 550/551 assault rifle (.223 caliber);

(xxxv) SKS with detachable magazine;

(xxxvi) AP-74 Commando type semi-auto;

(xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;

(xxxviii) Street sweeper assault type shotgun;

(xxxix) Striker 12 assault shotgun in all formats;

(xl) Unique F11 semi-auto type;

(xli) Daewoo USAS 12 semi-auto shotgun;

(xlii) UZI 9mm carbine or rifle;

(xliii) Valmet M-76 and M-78 semi-auto;

(xliv) Weaver Arms "Nighthawk" semi-auto carbine; or

(xlv) Wilkinson Arms 9mm semi-auto "Terry".

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

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

(1) is a licensee;

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

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

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

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

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

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

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

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

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

(1) the transfer or possession of a regulated firearm or detachable magazine:

(i) for testing or experimentation authorized by the Secretary; and

(ii) by a federally licensed gun manufacturer, dealer, or importer;

(2) the sale, transfer, or possession of an antique firearm;

(3) an unserviceable firearm sold, transferred, or possessed as a curio or museum piece;

(4) law enforcement personnel of any unit of the federal government, members of the armed forces of the United States or the National Guard, or law enforcement personnel of the State or any local agency in the State, while those personnel or members are acting within the scope of their official duties;

(5) a regulated firearm modified to render it permanently inoperative;

(6) purchases, sales, and transportation to or by a federally licensed gun manufacturer, dealer, or importer;

(7) an organization that is required or authorized by federal law governing its specific business or activity to maintain firearms;

(8) the receipt of a regulated firearm by inheritance, if the heir forwards to the Secretary a completed application to purchase or transfer that regulated firearm; or

(9) a signal pistol or other visual distress signal that the United States Coast Guard approves as a marine safety device.

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

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

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

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

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

(iii) the Maryland National Guard.

5-104. Preemption by State. This subtitle supersedes any restriction that a local jurisdiction

in the State imposes on a sale of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the sale of a regulated firearm.

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

5-106. Dealer's license.

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

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

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

(a) In general.

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

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

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

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

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

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

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

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

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

(i) is a citizen of the United States;

(ii) is at least 21 years old;

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

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

(v) is not a fugitive from justice;

(vi) is not a habitual drunkard;

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

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

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

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

5-108. Criminal history records check.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Appeal.

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

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

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

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

(ii) the application was not properly completed.

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

5-111. Term of dealer's license.

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

(b) Applications for renewal.

(1) Before a dealer's license expires, the licensee periodically may renew it for an additional 1-year term, if the licensee:

(i) is otherwise entitled to be licensed;

(ii) pays to the Secretary a renewal fee of \$25, payable to the Comptroller; and

(iii) submits to the Secretary a renewal application on the form that the Secretary provides.

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

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

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

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

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

5-113. Display of dealer's license.

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

(b) Identification of licensee and location.

The dealer's license shall identify the licensee and the location of the licensee's place of business.

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

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

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

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

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

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

(2) the licensee:

(i) is convicted of a disqualifying crime;

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

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

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

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

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

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

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

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

5-115. Same - Hearings.

(a) Right to hearing.

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

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

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

5-116. Judicial review.

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

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

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

5-118. Firearm application.

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

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

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

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

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

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

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

(i) is at least 21 years old;

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

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

(iv) is not a fugitive from justice;

(v) is not a habitual drunkard;

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

(vii) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certifi-

cate issued within 30 days before the date of application is attached to the application, certifying that the firearm applicant is capable of possessing a regulated firearm without undue danger to the firearm applicant or to another;

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

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

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

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

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

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

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

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

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

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

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

5-120. Copies of firearm application; fees

(a) Copy to Secretary.

(1) On receipt of a firearm application, a licensee or designated law enforcement agency shall promptly forward one copy of it to the Secretary by certified mail or facsimile machine.

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

(b) Other copies.

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

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

(c) Fees.

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

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

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

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

5-121. Investigation of firearm applicant.

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

(b) **Request for assistance.** In conducting an investigation under this subsection, the Secretary may request the assistance of the Police Commissioner of Baltimore City, the chief of police in any county maintaining a police force, or the sheriff in a county not maintaining a police force.

5-122. Disapproval of firearm application.

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

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

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

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

(b) Notice.

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

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

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

5-123. Time for licensee to complete transactions.

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

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

(c) Incomplete transactions.

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

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

(d) Notification of completed transaction.

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

(ii) The notification shall contain an identifying description of the regulated firearm, including its caliber, make, model, any manufacturer's serial

number, and any other special or peculiar characteristic or marking by which the regulated firearm may be identified.

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

5-124. Secondary transactions.

(a) Seven-day waiting period.

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

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

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

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

(d) Incomplete transactions.

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

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

(e) Notification of completed transaction.

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

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

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

5-125. Approve, on hold, and disapproved applications.

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

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

5-126. Hearings.

(a) Right to hearing.

(1) A firearm applicant who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days

after the Secretary forwards notice to the firearm applicant under § 5-122 of this subtitle.

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

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

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

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

5-128. Purchases within 30 days - in general.

(a) **Scope of subsection.** Subsection (b) of this section does not apply to:

- (1) a law enforcement agency;
- (2) an agency authorized to perform law enforcement duties;
- (3) a State or local correctional facility;
- (4) a private security company licensed to do business in the State;
- (5) the purchase of an antique firearm;
- (6) a purchase by a licensee;
- (7) the exchange or replacement of a regulated firearm by a seller for a regulated firearm purchased from the seller by the same person seeking the exchange or replacement within 30 days immediately before the exchange or replacement; or
- (8) a person whose regulated firearm is stolen or irretrievably lost and who considers it essential that the regulated firearm be replaced immediately, if:

(i) the person provides the licensee with a copy of the official police report or an official summary of the report, a copy of which shall be attached to the firearm application;

(ii) the official police report or official summary of the report contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, the date of the loss or theft, and the date when the loss or theft was reported to the law enforcement agency; and

(iii) the loss or theft occurred within 30 days before the person's attempt to replace the regulated firearm, as reflected by the date of loss or theft on the official police report or official summary of the report.

(b) **One purchase limit.** A person may not purchase more than one regulated firearm in a 30-day period.

(c) On hold and disapproved applications.

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

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

5-129. Same - Multiple purchases allowed.

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

- (1) the person applies for and the Secretary approves a multiple purchase; and
- (2)(i) the purchase of the regulated firearms is for a private collection or a collector series;

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

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

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

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

(b) Application.

(1) The application for a multiple purchase shall:

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

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

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

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

5-130. Gun shows.

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

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

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

(d) Application for temporary transfer permit.

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

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

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

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

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

(g) Investigation of application; grounds for disapproval.

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

(2) If there is no reason to disapprove the application for a temporary transfer permit, the

Secretary shall issue the permit within 7 days after the date of application.

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

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

(ii) the application is not properly completed.

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

(h) Label and display.

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

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

(i) Five permit limit.

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

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

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

5-131. Handgun identification requirements.

(a) Definitions.

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

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

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

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

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

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

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

(c) Actions by dealer.

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

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

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

5-132. Handgun safety devices.

(a) Definitions.

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

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

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

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

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

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

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

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

(i) built into a handgun; and

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

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

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

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

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

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

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

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

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

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

(2) a firearm modified to be permanently inoperative;

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

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

(5) an antique firearm.

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

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

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

(d) Report.

(1) The Handgun Roster Board annually shall:

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

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

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

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

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

1. the National Institute of Justice;

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

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

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

5-133. Restrictions on possession of regulated firearms.

(a) Preemption by State. This section 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. A person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

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

(3) is a fugitive from justice;

(4) is a habitual drunkard;

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

(6) suffers from a mental disorder as defined in § 10-101(f)(2) of the Health - General Article and has a history of violent behavior against the person or another, unless the person has a physician's certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another;

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

(8) 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

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

(c) Penalty for possession by convicted felon.

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

(i) a crime of violence; or

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

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years, no part of which may be suspended.

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

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

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

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

ammunition solely designed for a regulated firearm.

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

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

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

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

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

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

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

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

2. under the supervision of a qualified instructor;

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

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

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

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

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

(1) is under the age of 21 years;

(2) has been convicted of a disqualifying crime;

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

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

(5) is a fugitive from justice;

(6) is a habitual drunkard;

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

(8) suffers from a mental disorder as defined in § 10-101(f)(2) of the Health - General Article, and has a history of violent behavior against the purchaser, lessee, or transferee or another, unless the purchaser, lessee, or transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, or transferee or to another;

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

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

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

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

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

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

(c) **Exemption from certified firearms training course requirement.** A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section and § 5-118(b)(3)(x) of this subtitle if the person:

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

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

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

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

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

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

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

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

(ii) 1. a firearm other than a regulated firearm to a minor;

2. ammunition for a firearm to a minor;

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

4. another deadly weapon to a minor.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

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

(1) seized by a law enforcement agency as contraband; and

(2) after a finding of guilt, disposed of in accordance with Title 13, Subtitle 2 of the Criminal Procedure Article.

5-136. Straw purchases.

(a) **Scope of section.**

(1) This section does not apply to a person who purchases a regulated firearm as a gift if:

(i) the regulated firearm is a gift to a resident of the State; and

(ii) 1. both the purchaser and recipient of the gift comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm; or

2. if the gift is in the form of a gift certificate, only the recipient of the gift need comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm.

(2) If the regulated firearm is a gift to the purchaser's spouse, parent, grandparent, grandchild, sibling, or child, the recipient shall:

(i) complete an application to purchase or transfer a regulated firearm; and

(ii) forward the application to the Secretary within 5 days after receipt of the regulated firearm.

(3) The Secretary shall waive the \$10 application fee required under § 5-118(a)(2) of this subtitle for a gift purchased in accordance with this subsection.

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

5-137. Out-of-state purchases.

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

(1) have the federally licensed importer, manufacturer, or dealership the regulated firearm to a licensee for processing; and

(2) comply with §§ 5-103, 5-104, 5-117 through 5-129, and 5-136 of this subtitle.

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

(1) law enforcement personnel of any unit of the federal government;

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

(3) law enforcement personnel of the State or any local agency in the State.

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

5-139. False information or misstatement in application.

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

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

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

(a) **Prohibited.** A dealer or other person may not transport a regulated firearm into the State for the purpose of unlawfully selling or trafficking of the regulated firearm.

(b) **Penalty.** A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.

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

5-141. Knowing participation in straw purchase.

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

(b) **Penalty.** A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.

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

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

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

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

5-143. Knowing participation in violation of subtitle.

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

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

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

Subtitle 2. Rifles and Shotguns

5-201. Definitions.

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

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

(c) **Short-barreled rifle.** "Short-barreled rifle" has the meaning stated in § 4-201 of the Criminal Law Article.

(d) **Short-barreled shotgun.** "Short-barreled shotgun" has the meaning stated in § 4-201 of the Criminal Law Article.

(e) **Shotgun.** "Shotgun" has the meaning stated in § 4-201 of the Criminal Law Article.

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

(1) an antique firearm as defined in § 4-201 of the Criminal Law Article;

(2) a device designed or redesigned for use other than as a weapon;

(3) a device designed or redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or

(4) a firearm that cannot:

(i) discharge a projectile by an explosive; and

(ii) be readily restored to a firing condition.

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

(a) **Prohibited.** A person may not possess a short-barreled rifle or short-barreled shotgun unless:

(1) the person, while on official business is:

(i) a member of the law enforcement personnel of the federal government, the State, or a political subdivision of the State;

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

(iii) a member of the law enforcement personnel of another state or a political subdivision of another state, while temporarily in this State;

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

(v) a sheriff or a temporary or full-time deputy sheriff; or

(2) the short-barreled shotgun or short-barreled rifle has been registered with the federal government in accordance with federal law.

(b) **Burden of proof.** In a prosecution under this section, the defendant has the burden of proving the lawful registration of the short-barreled shotgun or short-barreled rifle.

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

5-204. Purchasers of rifles and shotguns.

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

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

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

5-205. Possession by person with mental disorder.

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

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

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

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

Subtitle 3. Handgun Permits

5-301. Definitions.

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

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

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

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

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

5-302. Handgun Permit Review Board.

(a) **Established.** There is a Handgun Permit Review Board in the Department of Public Safety and Correctional Services.

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

5-304. Application for permit.

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

(b) Fees - In general.

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

(2) The fee may not exceed:

(i) \$75 for an initial application;

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

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

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

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

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

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

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

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

5-305. Criminal history records check.

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

(b) **Application required.** The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a permit.

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

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

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

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

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

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

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

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

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

5-306. Qualifications for permit.

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

(1) is an adult;

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

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

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

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

(5) based on an investigation:

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

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

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

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

(2) adjudicated delinquent by a juvenile court for:

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

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

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

5-307. Scope of permit.

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

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

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

5-309. Term and renewal of permit.

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

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

5-310. Revocations.

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

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

(2) violated § 5-308 of this subtitle.

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

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

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

receipt of written notice of the Secretary's initial action.

(b) Personal interview. An informal review:

(1) may include a personal interview of the person who requested the informal review; and

(2) is not subject to Title 10, Subtitle 2 of the State Government Article.

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

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

5-312. Action by Board.

(a) Request for review authorized.

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

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

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

(1) review the record developed by the Secretary; or

(2) conduct a hearing.

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

(d) Decision by Board.

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

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

(e) Administrative procedures.

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

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

5-313. Failure to return revoked permit.

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

(b) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of not less than \$100 or exceeding \$1,000 or both.

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

(a) Prohibited. A person who holds a permit may not wear, carry, or transport a handgun while the person is under the influence of alcohol or drugs.

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

Subtitle 4. Handgun Roster

5-401. Definitions.

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

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

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

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

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

5-402. Application of subtitle.

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

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

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

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

(i) the federal government;

(ii) a state other than this State;

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

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

(b) Strict liability.

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

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

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

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

5-404. Handgun Roster Board.

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

5-405. Duties and procedures of Board.

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

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

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

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

(b) Criteria for placement on roster. The Board shall consider carefully each of the following characteristics of a handgun without placing undue weight on any one characteristic in deter-

mining whether any handgun should be placed on the handgun roster:

- (1) concealability;
- (2) ballistic accuracy;
- (3) weight;
- (4) quality of materials;
- (5) quality of manufacture;
- (6) reliability as to safety;
- (7) caliber;
- (8) detectability by the standard security equipment that is commonly used at an airport or courthouse and that is approved by the Federal Aviation Administration for use at airports in the United States; and
- (9) utility for legitimate sporting activities, self-protection, or law enforcement.

(c) Placement process.

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

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

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

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

(d) Action of Board on petition.

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

- (i) deny the petition in writing, stating the reasons for denial; or
- (ii) approve the petition and publish a description of the handgun in the Maryland Register, including notice that any objection to the handgun's inclusion on the handgun roster shall be filed with the Board within 30 days.

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

(e) Notice of denial; hearing; appeal.

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

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

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

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

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

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

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

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

any handgun tested at the expense of the Board.

5-406. Manufacture or sale of handguns.

(a) Prohibitions.

(1) Except as provided in § 5-402 of this subtitle, a person may not manufacture for distribution or sale a handgun that is not included on the handgun roster in the State.

(2) A person may not sell or offer for sale in the State a handgun manufactured after January 1, 1985, that is not included on the handgun roster.

(3) A person may not manufacture, sell, or offer for sale a handgun on which the manufacturer's identification mark or number is obliterated, removed, changed, or otherwise altered.

(b) Injunction authorized. The Secretary may seek an order from a circuit court to permanently or temporarily enjoin the willful and continuous manufacture, sale, or offer for sale, in violation of this section, of a handgun that is not included on the handgun roster.

(c) Penalties.

(1) A person who manufactures a handgun for distribution or sale in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 for each violation.

(2) A person who sells or offers to sell a handgun in violation of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500 for each violation.

(3) For purposes of this subsection, each handgun manufactured, sold, or offered for sale in violation of this subsection is a separate violation.

Title 11. Explosives

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

11-101. Definitions.

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

(b) Dealer.

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

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

(c) Explosives.

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

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

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

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

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

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

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

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

11-102. Scope of subtitle.

(a) Transportation of explosives. This subtitle does not apply to explosives while being transported on vessels, vehicles, or railroad cars, or while being held for delivery, if the transportation or delivery is subject to and conforms with regulations adopted by the United States Department of Transportation or United States Coast Guard.

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

11-105. License required; exceptions.

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

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

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

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

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

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

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

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

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

(a) Records.

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

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

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

(iii) the amount and description of the explosives.

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

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

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

(b) Reports to licensing authorities.

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

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

(ii) the amount and description of the explosives.

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

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

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

(ii) the amount and description of the explosives.

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

(1) immediately by telephone; and

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

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

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

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

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

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

(g) Penalty. Except as otherwise provided in § 11-116 of this subtitle, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

11-115. Same - Explosives for use in firearms; required reports.

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

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

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

(3) Except as otherwise provided in this subtitle, a person may not possess or store explosives for use in firearms in any quantity in multi-family dwellings, apartments, dormitories, hotels, schools or other public buildings, or buildings or structures open for public use.

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

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

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

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

[Current through 2004 Regular Session, including 2004 Md. Laws 25 (SB 74) & 377 (HB 784)]

Annapolis Municipal Code

Title 11. Public Peace, Morals And Welfare Chapter 11.44. Weapons

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.

11.44.040. Firearms and ammunition - Registration of sellers. Each person engaged in the business of selling or exchanging any kind of firearms or ammunition shall register his name and place of business with the city clerk.

11.44.050. Firearms and ammunition - Minors under eighteen years.

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

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

or instructor of a recognized organization engaged in the instruction of marksmanship.

11.44.060. BB guns, slingshots, bows and arrows, large rocks and similar devices.

A. A person may not sell, give away, lend or otherwise transfer to any minor under the age of eighteen years, except with the express permission of a parent or guardian of the minor, any BB gun, any slingshot, any bow and arrow, or any other device by whatever name or description known, designed to discharge a pellet or other object by force of a spring, elastic band, gas cylinder, air cylinder, gas cartridge or air cartridge.

B. A person may not discharge or use any BB gun, slingshot, bow and arrow or device, except on private property with the express permission of the owner or other person entitled to possession of the property and in a manner to prevent the discharged pellet or object from traversing any grounds or space outside the limits of the property, or except at an indoor or outdoor target range under the supervision of an adult.

C. Nothing in this section makes lawful anything otherwise prohibited by law.

D. Any violation of this section is a misdemeanor punishable by a fine or imprisonment, or both as established by resolution of the city council.

[Annapolis Municipal Code current through Ord. O-40-04 passed Dec. 13, 2004]

Anne Arundel County Code

Division III. Crimes and Punishments Article 11. Crimes and Civil Penalties Title 4. Weapons

4-101. Possession or discharge of firearms.

(a) In this section, "firearm" includes a rifle, handgun, or shotgun as those terms are defined Criminal Law Article, § 4-201 of the State Code.

(b) This section does not apply to a police officer acting in the line of duty. ...

(e) A person may not possess or discharge a firearm on the property of another unless, at the time of the possession or discharge of the firearm, the person has the express written permission of the owner, occupant, or lessee of the property on which the firearm is possessed or discharged. The written permission shall be signed by the owner, occupant, or lessee, shall include the dates on which the possession or discharge is authorized, and shall specify the parcel or property for which permission is granted. The written permission shall identify the persons for whom permission is granted, and the permission may not be transferred to another person or inferred or implied to include companions of authorized persons. When properly executed, a writing substantially in the following form is sufficient to constitute the written permission required by this subsection:

"I, _____ (owner, occupant, or lessee) hereby authorize _____ to possess or discharge any weapon or firearm on my property known as _____ and such permission is granted for the following time(s): _____.

(owner, occupant, or lessee)"

4-102. Bows and arrows, BB guns, slingshots, and the like.

(a) In this section, "weapon" means a bow and arrow, BB gun, slingshot, or other device designed to discharge a pellet or other object by

force of a spring, elastic band, gas cylinder, air cylinder, or gas or air cartridge.

(b) A person may not sell, give away, lend, or otherwise transfer a weapon to a minor. ...

(g) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 60 days or both.

4-103. Explosives.

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

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

Division V. Land Use, Development, and Environmental Protection

Article 28. Zoning

Title 2. Residential Districts

Subtitle 1. In General

2-104. Home occupations.

(a) Subject to the provisions of this section, the following home occupations are permitted in a dwelling unit in any district in which home occupations are a permitted use: ...

(11) repair and maintenance, but not sale, of firearms, including handguns, rifles, shotguns, and antique firearms, as those terms are defined in Article 27, § 36F of the State Code, provided that a sign identifying the home occupation is not permitted.

(Anne Arundel County Code codified through Bill 64-04 enacted Sept. 23, 2004)

Baltimore City Code

Article 19. Police Ordinances

Subtitle 59. Weapons

Part 1. Firearms - In General

59-1. Carrying long-barrel firearms.

(a) Carrying prohibited - in general.

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

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

(i) marshals, sheriffs, prison or jail wardens, or their deputies while in the performance of their official duty;

(ii) policemen or other law enforcement officers;

(iii) members of the armed forces of the United States or of the National Guard or organized reserves when on duty;

(iv) holders of special police commissions issued under Title 4, Subtitle 9, of Article 41 of the Maryland Code, while actually on duty on the property for which the commission was issued or while traveling to or from such duty;

(v) uniformed security guards, special railway police, and watchmen who have been cleared

for such employment by the appropriate governmental agency, while in the course of their employment or while traveling to or from the place of employment;

(vi) guards in the employ of a bank, savings and loan association, building and loan association, or express or armored car agency, while in the course of their employment or while traveling to or from the place of employment;

(vii) manufacture, transportation, or sale of weapons to persons authorized under law to possess such under the laws of the United States;

(viii) transportation of firearms unloaded and carried in an enclosed case or rack designed for that purpose;

(ix) antique firearms, meaning:

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

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

1. is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

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

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

59-3. Air rifles, BB guns, etc.

(a) **Prohibited conduct.** No person may sell, give away, lend, rent, or otherwise transfer to any minor or permit any minor to possess any air rifle, air gun, or BB gun.

(b) **Penalties.** Any person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 or to imprisonment for not more than 60 days or to both fine and imprisonment for each offense.

59-4. Toy cartridge pistols.

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

Part 2. Firearms - Access by Minors

59-11. Definitions.

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

(b) **Ammunition.** "Ammunition" means any cartridge, shell, or other device that contains explosive or incendiary material and is designed or intended for use in any firearm.

(c) **Child safety lock.** "Child safety lock" means:

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

(2) any other device that:

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

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

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

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

59-12. Access by minors prohibited.

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

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

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

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

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

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

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

59-13. Safety locks.

(a) Dealers must provide.

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

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

(b) Notices.

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

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

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

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

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

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

Part 5. Forfeitures

59-61. Weapon forfeited on conviction.

(a) **In general.** The Court or Police Magistrate who convicts any person of any criminal offense shall declare as forfeited and confiscated any gun, pistol, firearm, switch-blade knife, or other dangerous weapon which was in the possession of the person at the time of committing the offense and which either was used or held for possible use in connection with the offense.

(b) **Disposition.** The said weapon shall be turned over to the Police Department of Baltimore City for disposal and shall not be treated or considered as the property of the person so convicted.

[Baltimore City Code current through Dec. 31, 2004]

Baltimore County Code, 2003

Article 17. Miscellaneous Provisions and Offenses

Title 2. Firearms and Weapons

17-2-102. Minors.

(a) Prohibited - Purchase of firearm.

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

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

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

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

1. Any negligence of the minor in the use or possession of a firearm shall be imputed to the parents or guardians; and

2. The parents or guardians shall be jointly and severally liable with the minor for any civil damages caused by the minor's negligence in the use or possession of a firearm.

(4) The statements required under this section shall be signed and sworn to before a person authorized to administer oaths.

(b) **Same - Sale of firearm.** A person may not sell, give, or transfer a firearm to a minor unless the statements required under subsection (a) of this section have been filed with the Police Department.

(c) **Limitation.** This section does not apply to antique or unserviceable firearms sold, transferred, or held as curios or museum pieces.

(d) **Serial numbers not required.** This section may not be construed to require the registration or listing of firearms by serial number or in any other manner.

17-2-103. Penalty. A person who violates any provision of § 17-2-101 or § 17-2-102 of this title is guilty of a misdemeanor.

[Baltimore County Code current through Bill 120-04 (2004)]

Code of Ordinances City of Gaithersburg

Chapter 15. Offenses - Miscellaneous

15-16. Weapons - Possession on streets. It shall be unlawful for any person, other than a law enforcement officer, to have in his possession while on the streets of the city any revolver, pistol, blackjack, brass knuckles, razor or other

dangerous weapon, except unloaded guns used for the hunting of game.

[Code of Ordinances City of Gaithersburg codified through Ord. O-12-04 enacted Nov. 15, 2004]

Code of the City of Hagerstown

Chapter 173. Peace and Good Order

173-11. Firearms and other weapons.

A. It shall be unlawful for any person to fire, discharge or shoot a gun, firearm, air gun, blowgun, spring gun, gas-operated gun, blowpipe, slingshot, bean shooter or any other contrivance manufactured and calculated to throw, sling or discharge any shot or other missile within the City limits, and it shall be unlawful for any person, other than a law enforcement officer or a duly licensed person, to possess any such weapon upon the streets, alleys or other public ways of the City except while transporting such weapon from the place of purchase to his home or from his home to a point outside the City boundaries and returning.

B. It shall be unlawful for any parent or other person standing in loco parentis is to knowingly permit a minor to do any act in violation of the provisions of Subsection A.

[Code of the City of Hagerstown updated through Feb. 20, 2002]

Howard County Code

Title 8. Crimes and Misdemeanors Subtitle 4. Firearms Controls

8.400. Definitions. The following words and phrases shall, for the purpose of this subtitle, have the meanings respectively ascribed to them in this section:

Blank ammunition: Any ammunition composed of a casing and a primer contained as one unit, but not containing a projectile or projectiles. Blank ammunition also includes black powder, nonprimed antique.

Department of police: The department of police for Howard County. ...

Fixed ammunition: Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Gun: 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 barrel by the action of any explosive, gas, compressed air, spring, or elastic.

Metropolitan district: The Howard County Metropolitan district as created and modified by the county council pursuant to Howard County Code title 18, "Public Works," subtitle 1, "Public Utilities," and identified on official plats available for public inspection during reasonable office hours in the department of public works.

8.402. Carrying or discharging of guns by person under sixteen years of age; penalty.

(a) It shall be unlawful for any person under the age of sixteen (16) years not legally engaged in hunting game in that area not within the metropolitan district to carry or discharge a gun whatsoever at any time within the county unless under the immediate supervision of a

person eighteen (18) years of age or over at the time of shooting.

(b) This section shall not apply to persons under sixteen (16) years of age carrying or discharging guns in areas not within the metropolitan district which expel projectiles by gas, compressed air, spring or elastic power, where the persons have completed a course approved by the department of police in the safe operation of guns. The course completion shall be evidenced by a certificate to be issued by the department of police and shall be displayed upon reasonable demand by a law enforcement officer.

(c) A law enforcement officer may impound the gun of any person who shall violate the provisions of this section.

8.403. Exemptions from provisions of subtitle. Nothing in this subtitle shall be deemed to prohibit the owner or tenant of any land from carrying or discharging a gun on their land for the purpose of killing animals which are preying upon, damaging or destroying their property, livestock or crops. This subtitle shall not prohibit the carrying or discharging of any gun by licensed hunters, lawfully hunting in season on their owned or leased property, not within the metropolitan district or if on the property of another, not within the metropolitan district, with the prior written permission of the property owner or person in lawful possession. Further, nothing in this subtitle shall prohibit the carrying or discharging of shotguns by licensed hunters, lawfully hunting in season on their owned or leased property of not less than ten (10) acres within the metropolitan district, or if on the property of another of not less than ten (10) acres within the metropolitan district with the prior written permission of the property owner or person in lawful possession.

8.405. Penalty for violations of subtitle. Any person who shall violate any of the provisions of this subtitle shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six (6) months in jail, or both. Any law enforcement officer witnessing a violation of this subtitle may, as an alternative to making an arrest, issue unto such violator a "Notice of Violation," which notice, in addition to such factors as may otherwise be required, shall specify the violation with which such violator is charged and shall set forth the hour, date and location that such violator is summoned to appear before the district court for the county to answer the charge.

[Howard County Code codified through Council Bill 81 enacted Jan. 3, 2005]

Montgomery County Code

Chapter 57. Weapons

57-1. Definitions. In this Chapter, the following words and phrases have the following meanings:

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

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

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

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

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

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

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

- (1) regulated firearms dealer's license; or
- (2) temporary transfer permit to display a regulated firearm at a gun show.

Fixed ammunition: Any ammunition composed of a projectile or projectiles, a casing, an explosive charge and a primer, all of which shall be contained as one (1) unit. Cartridges designed, made and intended to be used exclusively (i) in a device for signaling and safety purposes required or recommended by the United States Coast Guard or (ii) for industrial purposes, shall not be considered fixed ammunition. Curios or relics, as defined in regulations promulgated by the United States Secretary of the Treasury pursuant to 18 United States Code, section 921(A)(13), shall not be considered fixed ammunition.

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

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

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

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

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to

fire only a single projectile through a rifled bore for each single pull of the trigger.

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

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

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

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

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

Minor: An individual younger than 18 years old.

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

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

Sell or purchase: Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

Sporting use: "Sporting use" of a firearm and ammunition means hunting or target shooting in compliance with all federal, State, and local laws. Sporting use includes:

- (a) participation in a managed hunt sponsored by a government agency; and
- (b) the sale or other transfer of ammunition by a sporting club for immediate, on-site use at the club. ...

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

57-7. Access to guns by minors.

(a) A person must not give, sell, rent, lend, or otherwise transfer any rifle or shotgun or any ammunition or major component for these guns in the County to a minor. This subsection does not apply when the transferor is at least 18 years old and is the parent, guardian, or instructor of the minor, or in connection with a regularly conducted or supervised program of marksmanship or marksmanship training.

(b) An owner, employee, or agent of a gun shop must not allow a minor to, and a minor must not, enter the gun shop unless the minor is

accompanied by a parent or other legal guardian at all times when the minor is in the gun shop.

(c) This section must be construed as broadly as possible within the limits of State law to protect minors.

57-8. Child safety handgun devices and handguns.

(a) Findings. ...

(b) Child safety handgun device.

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

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

- (A) at the time of a transfer in the County; or
- (B) before entering the County with the handgun if the transfer occurred outside the County and the transferee resides in the County.

(c) Notices.

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

- (A) the requirement in subsection (b) for a child safety handgun device; and
- (B) the prohibition in State law of storing or leaving a loaded firearm in a location where an unsupervised child can gain access to the firearm.

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

(d) Enforcement. The Department of Health and Human Services and any other department designated by the County Executive enforces this section.

(f) Regulations. The Executive may adopt regulations under method (2) to implement this Section.

57-9. Unlawful ownership or possession of firearms. It shall be unlawful for any person to use, carry, transport or keep a rifle or shotgun, or discharge a pistol, or to have a rifle or shotgun in his possession, custody or control within the county, if:

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug or narcotic drug (as defined in article 27, section 277 of the Annotated Code of Maryland, 1957, as amended), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of article 27, sections 441 to 448, subtitle "pistols," Annotated Code of Maryland, 1957, as amended, or any federal firearms control law; or

(c) He is a fugitive from justice; or

(d) He 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 he is familiar with the person's history of mental illness and that in his opinion the person is not disabled by such illness in a manner which should prevent his possessing a rifle or a shotgun; or

(e) He has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he

is familiar with the person's history of alcoholism and that, in his opinion, the person is no longer suffering from a disability in such a manner which should prevent his possessing a rifle or shotgun.

57-10. Keeping guns on person or in vehicles. It shall be unlawful for any person to have upon his person, concealed or exposed, or in a motor vehicle where it is readily available for use, any gun designed to use explosive ammunition unless:

(a) **Lawful mission.** Such person is then engaged upon a lawful mission for which it is necessary to carry a gun upon his person; or

(b) **Special guard, special police, etc.** Such person is employed as a special guard, special police officer or special detective and has been lawfully deputized by the sheriff for the county, or has been appointed a constable in the county, or has been licensed under the laws of the state, or should such a law be enacted, to carry such gun and then is on or in the immediate vicinity of the premises of any employer whose occupation lawfully requires the employment of a person carrying a gun while in the discharge of the duties of such employment; or

(c) **Military service.** Such person is then lawfully engaged in military service or as a duly authorized peace officer; or

(d) **Hunting, target practice, etc.** Such person is engaged in lawful hunting, drill, training or target practice on property of which he is the owner or lessee or on property with the prior permission of the owner or lessee thereof; or

(e) **Going to or returning from hunting, target practice, etc.** Such person is engaged in going to or from lawful hunting, drill training or target practice, or in delivering such gun to or carrying it from a gunsmith or repairman, or is engaged in any other lawful transfer of possession; provided, that such person shall be on or traveling upon a public highway or property of which he is the owner or lessee or on property with the prior permission of the owner or lessee thereof; provided further, that such gun shall not be loaded with explosive ammunition.

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

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

(b) This section does not:

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

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

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

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

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

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

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

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

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

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

skeet shooting) or education (firearms training); or

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) has adequate security lighting;

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

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

57-12. Sale of fixed ammunition.

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

tion of firearms or ammunition, or the levying of any county fee in connection with any registration of firearms or ammunition. It is specifically not the intent of this section to serve as a revenue generating measure.

(b) **Registration of ammunition dealers.** Any ammunition dealer (as defined in 18 United States Code, section 921 et seq.) who conducts business in Montgomery County is required to register with the Montgomery County department of police by maintaining on file with that department, at all times, a valid, current copy of his federal ammunition dealer's license.

(c) **Conditions for sale.** No ammunition dealer may sell fixed ammunition to any other person, unless:

(1) The sale is made in person;

(2) The purchaser exhibits, at the time of sale, a valid registration certificate or, in the case of a nonresident, proof that the firearm is lawfully possessed in the jurisdiction where the purchaser resides;

(3) The fixed ammunition to be sold is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of a nonresident; and

(4) The purchaser signs a receipt for the ammunition which shall be maintained by the licensed dealer for a period of one (1) year from the date of sale.

(d) **Exceptions.** The provisions of this section shall not apply to the sale of fixed ammunition:

(1) Which is suitable for use only in rifles or shotguns generally available in commerce, or to the sale of component parts of these types of ammunition;

(2) To any person licensed to possess fixed ammunition under an act of Congress and the law of the jurisdiction where the person resides or conducts business; or

(3) To any law enforcement officer of federal, state, local or any other governmental entity, if the officer has in his possession a statement from the head of his agency stating that the fixed ammunition is to be used in the officer's official duties.

(e) **Penalties.** Any ammunition dealer who sells fixed ammunition in violation of the provisions of this section shall be guilty of a class C violation, pursuant to section 1-19 of the Montgomery County Code, punishable only by a civil penalty in the amount of fifteen dollars (\$15.00).

(f) **Exception for incorporated municipalities.** This section shall not be effective in any incorporated municipality which by law has authority to enact a law on the same subject. If any such incorporated municipality adopts this section and requests the county to enforce the adopted provisions thereof within its corporate limits, the county may thereafter administer and enforce the same within the incorporated municipality. The county executive is authorized to enter into agreements with incorporated municipalities to enforce and administer the provisions so adopted and to collect the administrative costs of implementation from such municipalities.

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

57-13. Use of public funds.

(a) The County must not give financial or in-kind support to any organization that allows the display and sale of guns at a facility owned or controlled by the organization. Financial or in-

kind support means any thing of value that is not generally available to similar organizations in the County, such as a grant, special tax treatment, bond authority, free or discounted services, or a capital improvement constructed by the County.

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

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

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

mals which prey on, damage or destroy property, livestock, or crops.

57-15. Penalty. Any violation of this Chapter or a condition of an approval certificate issued under this Chapter is a Class A violation to which the maximum penalties for a class A violation apply. Any violation of Section 57-8 is a Class A violation.

[Montgomery County Code current as of Nov. 30, 2004]

MASSACHUSETTS

MASS. GEN. L.

Chapter 140. Licenses - Sale of Firearms

121. Firearms sales; definitions; antique firearms; application of law; exceptions. As used in sections 122 to 131P, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Ammunition", cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas, powder or any other substance designed to incapacitate.

"Assault weapon", shall have the same meaning as a semiautomatic assault weapon as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(30) as appearing in such section on September 13, 1994, and shall include, but not be limited to, any of the weapons, or copies or duplicates of the weapons, of any caliber, known as: (i) Avtomat Kalashnikov (AK) (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta Ar70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR and FNC; (vi) SWD M-10, M-11, M-11/9 and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (viii) revolving cylinder shotguns, such as, or similar to, the Street Sweeper and Striker 12; provided, however, that the term assault weapon shall not include: (i) any of the weapons, or replicas or duplicates of such weapons, specified in appendix A to 18 U.S.C. section 922 as appearing in such appendix on September 13, 1994, as such weapons were manufactured on October 1, 1993; (ii) any weapon that is operated by manual bolt, pump, lever or slide action; (iii) any weapon that has been rendered permanently inoperable or otherwise rendered permanently unable to be designated a semiautomatic assault weapon; (iv) any weapon that was manufactured prior to the year 1899; (v) any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable assault weapon; (vi) any semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition; or (vii) any semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine.

"Conviction", a finding or verdict of guilt or a plea of guilty, whether or not final sentence is imposed.

"Firearm", a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than 16 inches or 18 inches in the case of a shotgun as originally manufactured; provided, however, that the term firearm shall not include any weapon that is: (i) constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or (ii) not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors.

"Gunsmith", any person who engages in the business of repairing, altering, cleaning, polishing, engraving, bluing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun.

"Imitation firearm", any weapon which is designed, manufactured or altered in such a way as to render it incapable of discharging a shot or bullet.

"Large capacity feeding device", (i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(31) as appearing in such appendix on September 13, 1994. The term "large capacity feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition.

"Large capacity weapon", any firearm, rifle or shotgun: (i) that is semiautomatic with a fixed large capacity feeding device; (ii) that is semiautomatic and capable of accepting, or readily modifiable to accept, any detachable large capacity feeding device; (iii) that employs a rotating cylinder capable of accepting more than ten rounds of ammunition in a rifle or firearm and more than five shotgun shells in the case of a shotgun or firearm; or (iv) that is an assault weapon. The term "large capacity weapon" shall be a secondary designation and shall apply to a weapon in addition to its primary designation as a firearm, rifle or shotgun and shall not include: (i) any weapon that was manufactured in or prior to the year 1899; (ii) any weapon that operates by manual bolt, pump, lever or slide action; (iii)

any weapon that is a single-shot weapon; (iv) any weapon that has been modified so as to render it permanently inoperable or otherwise rendered permanently unable to be designated a large capacity weapon; or (v) any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable large capacity weapon.

"Length of barrel" or "barrel length", that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized and shall include the chamber.

"Licensing authority", the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

"Machine gun", a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, including a sub-machine gun.

"Purchase" and **"sale"** shall include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense.

"Rifle", a weapon having a rifled bore with a barrel length equal to or greater than 16 inches and capable of discharging a shot or bullet for each pull of the trigger.

"Sawed-off shotgun", any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified has one or more barrels less than 18 inches in length or as modified has an overall length of less than 26 inches.

"Semiautomatic", capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and requiring a separate pull of the trigger to fire each cartridge.

"Shotgun", a weapon having a smooth bore with a barrel length equal to or greater than 18 inches with an overall length equal to or greater than 26 inches, and capable of discharging a shot or bullet for each pull of the trigger.

"Violent crime", shall mean any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon that would be punishable by imprisonment for such term if committed by an adult, that: (i) has as an element the use, attempted use or threatened use of physical force or a deadly