2A@2AMaryland.org • https://www.2AMaryland.org

MARYLAND GUN LAWS - 2023

Revised: October 05, 2023

Download source: https://www.2AMaryland.org

USER ADVISORY:

This document contains the most frequently encountered, but not all the State laws relating to firearms in Maryland. Nor does it include the many gun laws in various counties, cities and municipalities. It is for reference and information only and does not constitute legal advice. In all matters concerning the law, the citizen is cautioned to seek competent legal counsel.

Data Source: http://mgaleg.maryland.gov/webmga/frmStatutes.aspx?pid=statpage&tab=subject5

THIS PAGE INTENTIONALLY BLANK

Maryland Gun Laws - 2023

Last Update: 10-05-2023

Public Safety - Title 3 - Law Enforcement

SUBTITLE 2. POLICE TRAINING AND STANDARDS COMMISSION

Criminal Law - Title 4 - Weapons Crimes

SUBTITLE 1. GENERAL PROVISIONS
SUBTITLE 2. HANDGUNS
SUBTITLE 3. ASSAULT WEAPONS AND DETACHABLE MAGAZINES
SUBTITLE 4. UNIFORM MACHINE GUN ACT
SUBTITLE 5. DESTRUCTIVE DEVICES

Public Safety - Title 5 - Firearms

SUBTITLE 1. REGULATED FIREARMS
SUBTITLE 2. RIFLES AND SHOTGUNS
SUBTITLE 3. HANDGUN PERMITS
SUBTITLE 4. HANDGUN ROSTER
SUBTITLE 5. CEASE FIRE COUNCIL
SUBTITLE 6. EXTREME RISK PROTECTIVE ORDERS
SUBTITLE 7 HOME BUILT FIREARMS

Public Safety - Title 11 - Explosives

SUBTITLE 1. LICENSES TO ENGAGE IN BUSINESS AS MANUFACTURER OR DEALER OR TO POSSESS EXPLOSIVES

Transportation - Title 7 – Prohibited Acts

SUBTITLE 7. Prohibited Acts – Mass Transit (§7-705)
SUBTITLE 8. Prohibited Acts – Highway Rest Areas (§8-204)

Criminal Procedure - Title 6 - Trial and Sentencing

SUBTITLE 2. SENTENCING

Natural Resources - Title 10 – Hunting Restrictions

SUBTITLE 4. LOADED FIREARM IN VEHICLE

PUBLIC SAFETY ARTICLE – TITLE 3 – LAW ENFORCEMENT
TABLE OF CONTENTS – Page 1 of 1

TOPIC	PAGE(S)
SUBTITLE 2. POLICE TRAINING AND STANDARDS COMMISSION	
§ 3-207. General powers and duties of Commission	13-18

CRIMINAL LAW ARTICLE – TITLE 4 – WEAPON CRIMES
TABLE OF CONTENTS – Page 1 of 2

TOPIC	PAGE(S)
SUBTITLE 1. GENERAL PROVISIONS	
§ 4-101. Dangerous weapons	20-21
§ 4-102. Deadly weapons on school property	22-
§ 4-103. Disarming a law enforcement officer	23
§ 4-104. Child's access to firearms	24-25
§ 4-105. Transfer of switchblade or shooting knife	26
§ 4-106. Bulletproof body armor -- Wearing prohibited	27
§ 4-107. Bulletproof body armor-- Permit to use, possess, or purchase	28-29
§ 4-108. Target practice or discharging gun or weapon	30
§ 4-109. Electronic control device	31-32
§ 4-110. Restricted firearm ammunition.	33
§4-111. Special Purpose Areas – Firearms Prohibitions	34-38
SUBTITLE 2. HANDGUNS	
§ 4-201. Definitions	39-40
§ 4-202. Legislative findings	41
§ 4-203. Wearing, carrying, or transporting handgun	42-46
§ 4-204. Use of handgun or antique firearm in commission of crime	47
§ 4-205. Other limitations on sentencing	48
§ 4-206. Limited search, seizure, and arrest	49-50
§ 4-207. *Repealed by Acts 2003, Ch. 5, ®1, effective October 1, 2003*	51
§ 4-208. Possession of firearm at public demonstration	52-53
§ 4-209. Regulation of weapons and ammunition	54-55
SUBTITLE 3. ASSAULT WEAPONS AND DETACHABLE MAGAZINES.	
§ 4-301. Definitions.	56-58
§ 4-302. Scope of subtitle	59-60
§ 4-303. Assault weapons -- Prohibited	61-62
§ 4-304. Assault weapons -- Seizure and disposition	63
§ 4-305. Detachable magazines -- Prohibited	64
§ 4-305.1 Rapid fire trigger activator	65
§ 4-306. Penalties	66
SUBTITLE 4. UNIFORM MACHINE GUN ACT	
§ 4-401. Definitions	67
§ 4-402. Possession of machine gun	68
§ 4-403. Registration of machine gun	69-70
§ 4-404. Use of machine gun in crime of violence	71
§ 4-405. Use of machine gun for aggressive purpose	72
§ 4-406. Uniformity	73
§ 4-407. Short title	74

CRIMINAL LAW ARTICLE – TITLE 4 – WEAPON CRIMES
TABLE OF CONTENTS – Page 2 of 2

SUBTITLE 5. DESTRUCTIVE DEVICES	
§ 4-501. Definitions	75-76
§ 4-502. Scope of subtitle	77
§ 4-503. Manufacture or possession of destructive device	78-79
SUBTITLE 6. CRIMES AGAINST PROPERTY	
§ 6-411. Trespass with a firearm - prohibitions	80-81

PUBLIC SAFETY ARTICLE – TITLE 5 – FIREARMS
TABLE OF CONTENTS – Page 1 of 3

TOPIC	PAGE(S)
SUBTITLE 1. REGULATED FIREARMS	
§ 5-101. Definitions	83-89
§ 5-102. Scope of subtitle	90
§ 5-103. Effect of subtitle	91
§ 5-104. Preemption by State	92
§ 5-105. Regulations	93
§ 5-106. Dealer's license	94
§ 5-107. Application for dealer's license	95-96
§ 5-108. Criminal history records check	97
§ 5-109. Investigation of applicant for dealer's license	98
§ 5-110. Disapproval of dealer's license application	99-100
§ 5-111. Term of dealer's license	101
§ 5-112. Non-transferability of dealer's license; new place of business	102
§ 5-113. Display of dealer's license	103
§ 5-114. Suspensions and revocations -- Grounds; notice; effect	104-105
§ 5-115. Suspensions and revocations -- Hearings	106
§ 5-116. Judicial review	107
§ 5-117. Application for regulated firearm required	108
§ 5-117.1. Handgun qualification license required for purchase of handguns.	109-113
§ 5-118. Firearm application	114-115
§ 5-119. Repealed by Acts 2013, Ch. 427, § 1, effective October 1, 2013	116
§ 5-120. Copies of firearm application; fees	117
§ 5-121. Investigation of firearm applicant	118
§ 5-122. Disapproval of firearm application	119
§ 5-123. Time for licensee to complete transactions	120
§ 5-124. Secondary transactions	121
§ 5-125. Approved, on hold, and disapproved applications	122
§ 5-126. Hearings	123
§ 5-127. Judicial review	124
§ 5-128. Purchases within 30 days -- In general	125-126
§ 5-129. Purchases within 30 days -- Multiple purchases allowed	127-128
§ 5-130. Gun shows	129-130
§ 5-131. Repealed by Acts 2015, ch. 379, ®1, effective October 1, 2015	131
§ 5-132. Handgun safety devices	132-133
§ 5-133. Restrictions on possession of regulated firearms	134-138
§ 5-133.1. Restrictions on possession of ammunition.	139
§ 5-133.2. Reporting by courts or health facilities.	140-141
§ 5-133.3. Relief from firearms disqualification.	142-145
§ 5-134. Restrictions on sale, rental, or transfer of regulated firearms	146-148
§ 5-135. Regulated firearms subject to seizure	149
§ 5-136. Straw purchases	150
§ 5-137. Out-of-state purchases	151
§ 5-138. Sale, transfer, or disposal of stolen regulated firearm prohibited	152

PUBLIC SAFETY ARTICLE – TITLE 5 – FIREARMS
TABLE OF CONTENTS – Page 2 of 3

TOPIC	PAGE(S)
SUBTITLE 1. REGULATED FIREARMS (continued)	
§ 5-139. False information or misstatement in application	153
§ 5-140. Transporting regulated firearm for unlawful sale or trafficking	154
§ 5-141. Knowing participation in straw purchase	155
§ 5-142. Removal or alteration of identification mark or number on firearm	156
§ 5-143. Registration requirements for persons moving into State.	157
§ 5-144. Knowing participation in violation of subtitle	158
§ 5-145. Record keeping duties of licensed dealers.	159-160
§ 5-145.1. Dealer building security, firearm storage and alarms	161-162
§ 5-146. Lost or stolen regulated firearms.	163
§ 5-147. Notice of new law or change to existing law	164
SUBTITLE 2. RIFLES AND SHOTGUNS	
§ 5-201. Definitions	165
§ 5-202. Scope of subtitle	166
§ 5-203. Possession of short-barreled rifle or short-barreled shotgun	167
§ 5-204. Purchasers of rifles or shotguns	168
§ 5-204.1 Restrictions on sale, rental, or transfer-Facilitation by licensee-Fees-No civil liability	169-171
§ 5-205. Disqualification for possession.	172-174
§ 5-206. Possession of rifle or shotgun prohibited	175
§ 5-207. Sale, rental, transfer, or loan prohibited to certain persons-Violation as misdemeanor	176-178
SUBTITLE 3. HANDGUN PERMITS	
§ 5-301. Definitions	179
§ 5-302. Repealed by Acts 2020, Chs. 2 and 4, § 1, effective January 30, 2020	180
§ 5-303. Permit required	181
§ 5-304. Application for permit	182
§ 5-305. Criminal history records check	183-184
§ 5-306. Qualifications for permit	185-189
§ 5-307. Scope of permit	190-191
§ 5-308. Possession of permit required	192
§ 5-309. Term and renewal of permit	193
§ 5-310. Revocations	194
§ 5-311. Informal review of Secretary's action	195
§ 5-312. Action by Board	196-197
§ 5-313. Failure to return revoked permit	198
§ 5-314. Carrying, wearing, or transporting handgun while under influence of alcohol or drugs	199
SUBTITLE 4. HANDGUN ROSTER	
§ 5-401. Definitions	200
§ 5-402. Application of subtitle	201
§ 5-403. Regulations	202
§ 5-404. Handgun Roster Board	203
§ 5-405. Duties and procedures of Board	204-205
§ 5-406. Manufacture or sale of handguns	206

PUBLIC SAFETY ARTICLE – TITLE 5 – FIREARMS
TABLE OF CONTENTS – Page 3 of 3

TOPIC	PAGE(S)
SUBTITLE 5. CEASE FIRE COUNCIL	
§ 5-501. "Council" defined	207
§ 5-502. Cease Fire Council	208-209
§ 5-503. Purpose and duties	210
§ 5-504. Cease Fire Council Grant Program	211
SUBTITLE 6. EXTREME RISK PROTECTIVE ORDERS	
§ 5-601. Definitions	212
§ 5-602. Petition	213-215
§ 5-603. Interim extreme risk protection orders	216-219
§ 5-604. Temporary extreme risk protective order	220-221
§ 5-605. Final extreme risk protection orders	222-224
§ 5-606. Final extreme risk protective order -- Modification and appeal	225-226
§ 5-607. Search warrant for removal of firearm	227
§ 5-608. Firearm or ammunition surrendered or seized	228-230
§ 5-609. Penalties for violations	231
§ 5-610. Penalties for failure to comply	232
SUBTITLE 7. HOME-BUILT FIREARMS	
§ 5-701. Definitions	233
§ 5-702. Exceptions	234
§ 5-703. Restrictions on possession, sale and transfer of home-built firearms	235-236
§ 5-704. Registration system of home-built firearms	237
§ 5-705. Authorization for MSP Secretary to create regulations	238
§ 5-706. Protection against self-incrimination	239

PUBLIC SAFETY ARTICLE – TITLE 11 – EXPLOSIVES
TABLE OF CONTENTS – Page 1 of 1

TOPIC	PAGE(S)
SUBTITLE 1. LICENSES TO ENGAGE IN BUSINESS AS MANUFACTURER OR DEALER OR TO POSSESS EXPLOSIVES	
§ 11-101. Definitions.	241
§ 11-102. Scope of subtitle	242
§ 11-103. Regulations	243
§ 11-104. Powers of State Fire Marshal	244
§ 11-105. License required - exceptions	245
§ 11-106. Applications for licenses	246-248
§ 11-107. Issuance of license	249-250
§ 11-108. Scope of license to engage in business as dealer	251
§ 11-109. Term of license	252
§ 11-110. Employees of businesses or operations that use explosives	253
§ 11-111. Revocations of licenses	254
§ 11-112. Records and reports of manufacturers and dealers	255
§ 11-113. Reports of theft of explosives	256
§ 11-114. Prohibited acts; penalty -- In general	257
§ 11-115. Prohibited acts; penalty -- Explosives for use in firearms; required reports	258
§ 11-116. Additional penalties	259-261
§ 11-117. Merger of convictions; preemption among penalties	262
§ 11-118. Procedures for action under subtitle	263

TRANSPORTATION ARTICLE - TITLES 7 & 8
TABLE OF CONTENTS

TOPIC	PAGE(S)
SUBTITLE 7. MISCELLANEOUS PROVISIONS	
§ 7-705. Mass Transit - Prohibited Acts	265-266

TOPIC	PAGE(S)
SUBTITLE 8. HIGHWAYS	
§ 8-204 Highway Rest Areas – Prohibited Acts	267-268

CRIMINAL PROCEDURE ARTICLE – TITLE 6 – TRIAL AND SENTENCING
TABLE OF CONTENTS

TOPIC	PAGE(S)
SUBTITLE 6. SENTENCING	
PART II. SENTENCING PROCEDURES	
§ 6-234. Transfer of firearm upon conviction of a disqualifying crime	270-272

NATURAL RESOURCES ARTICLE – TITLE 10 – WILDLIFE
TABLE OF CONTENTS

TOPIC	PAGE(S)
SUBTITLE 4. HUNTING RESTRICTIONS GENERAL	
§ 10-410. Restrictions on hunting wildlife generally – loaded firearms in vehicle	274-282

Public Safety – Title 3 – Law Enforcement

SUBTITLE 2. POLICE TRAINING AND STANDARDS COMMISSION

§3–207.

(a) The Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance–level and in–service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to police training schools;

(3) to inspect police training schools;

(4) to revoke, for cause, the approval or certificate of approval issued to a police training school;

(5) to establish the following for police training schools:

(i) curriculum;

(ii) minimum courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to require, for entrance–level police training and at least every 3 years for in–service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of:

(i) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;

(ii) the criminal laws concerning human trafficking, including services and support available to victims and the rights and appropriate treatment of victims;

(iii) the contact with and treatment of victims of crimes and delinquent acts;

(iv) the notices, services, support, and rights available to victims and victims' representatives under State law; and

(v) the notification of victims of identity fraud and related crimes of their rights under federal law;

(7) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;

(8) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;

(9) to conduct and operate police training schools authorized by the Commission to offer police training programs;

(10) to make a continuous study of entrance–level and in–service training methods and procedures;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;

(13) to consult and cooperate with other agencies and units of the State concerned with police training;

(14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008;

(15) to require, for entrance–level police training and annually for in–service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, for police officers who are issued an electronic control device by a law enforcement agency, special training in the proper use of electronic control devices, as defined in § 4–109 of the Criminal Law Article, consistent with established law enforcement standards and federal and State constitutional provisions;

(16) to require, for entrance–level police training and, as determined by the Commission, for in–service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions:

(i) training in lifesaving techniques, including Cardiopulmonary Resuscitation (CPR);

(ii) training in the proper level and use of force;

(iii) training regarding sensitivity to cultural and gender diversity; and

(iv) training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities;

(17) to require, for entrance–level police training and at least every 2 years for in–service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application of antidiscrimination and use of force de–escalation training;

(18) to develop, with the cooperation of the Office of the Attorney General, the Governor's Office of Crime Control and Prevention, and the Federal Trade Commission, a uniform identity fraud reporting form that:

(i) makes transmitted data available on or before October 1, 2011, for use by each law enforcement agency of State and local government; and

(ii) may authorize the data to be transmitted to the Consumer Sentinel program in the Federal Trade Commission;

(19) to adopt and recommend a set of best practices and standards for use of force;

(20) to evaluate and modernize recruitment standards and practices of law enforcement agencies to increase diversity within those law enforcement agencies and develop strategies for recruiting women and African American, Hispanic or Latino, and other minority candidates;

(21) to develop standards for the mandatory psychological consultation with a law enforcement officer who was actively involved in an incident when another person was seriously injured or killed as a result of an accident or a shooting or has returned from combat deployment;

(22) to require:

(i) a statement condemning motorcycle profiling to be included in existing written policies regarding other profiling; and

(ii) for entrance–level police training and for in–service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions, training related to motorcycle profiling in conjunction with existing training regarding other profiling;

(23) to perform any other act, including adopting regulations, that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle; and

(24) to consult and cooperate with commanders of SWAT teams to develop standards for training and deployment of SWAT teams and of law enforcement officers who are not members of a SWAT team who conduct no–knock warrant service in the State based on best practices in the State and nationwide.

(b) (1) The Commission shall develop a system by which law enforcement agencies report to the Commission on the number of serious officer–involved incidents each year, the number of officers disciplined each year, and the type of discipline administered to those officers.

(2) The Commission shall annually summarize the information submitted by law enforcement agencies and:

(i) post the summary, excluding the names of officers and other involved parties, on a Web site maintained by the Commission; and

(ii) submit the summary to the General Assembly, as provided in § 2–1246 of the State Government Article.

(c) In consultation with the Maryland Department of Health, the Commission shall establish a confidential hotline that is available for police officers and other law enforcement personnel to contact and speak with a trained peer law enforcement officer or a mental health professional who may provide initial counseling advice and confidential referral to appropriate services.

(d) The Commission shall:

(1) establish a Police Complaint Mediation Program to which a law enforcement agency may refer a nonviolent complaint made against a police officer out of the standard complaint process;

(2) refer a complaint referred to the Program to voluntary mediation conducted by an independent mediation service; and

(3) adopt regulations to implement the Program, including criteria concerning eligibility for referral of complaints.

(e) (1) The Commission shall develop best practices for the establishment and implementation of a community policing program in each jurisdiction.

(2) The Commission shall develop a system by which each local law enforcement agency annually files a detailed description of the law enforcement agency's community policing program.

(3) The Commission shall annually:

(i) review each community policing program filed in accordance with § 3–517 of this title; and

(ii) provide each agency with any comments that the Commission has to improve the agency's community policing program.

(f) (1) The Commission shall develop a uniform citizen complaint process to be followed by each law enforcement agency.

(2) The uniform complaint process shall:

(i) be simple;

(ii) require that a complainant be informed of the final disposition of the complainant's complaint and any discipline imposed as a result; and

(iii) be posted on the Web sites of the Commission and each law enforcement agency.

(g) The Commission shall develop and administer a training program on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures for citizens who intend to qualify to participate as a member of a hearing board under § 3–107 of this title.

(h) The Commission shall distribute the victim's representation notification form developed by the Governor's Office of Crime Control and Prevention under § 12–206.1(e) of the Transportation Article to each law enforcement agency in the State.

(i) The Commission, in consultation with the Maryland State's Attorneys' Association, shall develop and maintain a uniform, statewide training and certification curriculum to ensure use of best practices in investigating compliance with court orders to surrender regulated firearms, rifles, and shotguns under § 6–234 of the Criminal Procedure Article.

[Previous][Next]

Criminal Law – Title 4 – Weapons Crimes

SUBTITLE 1. GENERAL PROVISIONS

SUBTITLE 2. HANDGUNS

SUBTITLE 3. ASSAULT WEAPONS AND DETACHABLE MAGAZINES

SUBTITLE 4. UNIFORM MACHINE GUN ACT

SUBTITLE 5. DESTRUCTIVE DEVICES

§4–101.

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

(2) "Nunchaku" means a device constructed of two pieces of any substance, including wood, metal, or plastic, connected by any chain, rope, leather, or other flexible material not exceeding 24 inches in length.

(3) (i) "Pepper mace" means an aerosol propelled combination of highly disabling irritant pepper-based products.

(ii) "Pepper mace" is also known as oleoresin capsicum (o.c.) spray.

(4) "Star knife" means a device used as a throwing weapon, consisting of several sharp or pointed blades arrayed as radially disposed arms about a central disk.

(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) 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 under Title 5, Subtitle 3 of the Public Safety Article; or

(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) (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) (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.

[Previous][Next]

[Previous][Next]

§4–102.

(a) This section does not apply to:

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

(2) an off–duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

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

(4) a person engaged in organized shooting activity for educational purposes; or

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

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

(c) (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.

[Previous][Next]

[Previous][Next]

§4–103.

(a) In this section, "law enforcement officer" means:

(1) a law enforcement officer who, in an official capacity, is authorized by law to make arrests;

(2) a sheriff, deputy sheriff, or assistant sheriff; or

(3) an employee of the Division of Correction, the Patuxent Institution, the Division of Pretrial Detention and Services, the Division of Parole and Probation, a local correctional facility, or any booking facility.

(b) A person may not knowingly remove or attempt to remove a firearm from the possession of a law enforcement officer if:

(1) the law enforcement officer is lawfully acting within the course and scope of employment; and

(2) the person has knowledge or reason to know that the law enforcement officer is employed as a law enforcement officer.

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

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

[Previous][Next]

§4–104.

(a) (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) (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) This section does not apply if:

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

(2) the minor'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 minor has a certificate of firearm and hunter safety issued under § 10–301.1 of the Natural Resources Article.

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

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

(e) (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.

[Previous][Next]

[Previous][Next]

§4–105.

(a) A person may not sell, barter, display, or offer to sell or barter:

(1) a knife or a penknife having a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, commonly called a switchblade knife or a switchblade penknife; or

(2) a device that is designed to propel a knife from a metal sheath by means of a high-compression ejector spring, commonly called a shooting knife.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or a fine of not less than $50 and not exceeding $500 or both.

[Previous][Next]

[Previous][Next]

§4–106.

(a) (1) In this section and § 4-107 of this subtitle 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) "Bulletproof body armor" means a material or object that is designed to cover or be worn on any part of the body to prevent, deflect, or slow down the penetration of ammunition.

(4) "Crime of violence" has the meaning stated in § 14-101 of this article.

(5) "Drug trafficking crime" has the meaning stated in § 5-621 of this article.

(6) "Firearm" includes:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle as those terms are defined in § 4-201 of this title;

(ii) an assault pistol as defined in § 4-301 of this title;

(iii) a machine gun as defined in § 4-401 of this title; and

(iv) a regulated firearm as defined in § 5-101 of the Public Safety Article.

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

(b) A person may not wear bulletproof body armor in the commission of a crime of violence.

(c) A person may not wear or possess bulletproof body armor during and in relation to a drug trafficking crime.

(d) 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.

(e) A sentence imposed under this section may be separate from a sentence for any crime of violence or drug trafficking crime establishing the violation of this section.

§4–107.

(a) Except for a person holding a valid permit issued under subsection (c) of this section, a person who was previously convicted of a crime of violence or a drug trafficking crime may not use, possess, or purchase bulletproof body armor.

(b) A person with a prior conviction for a crime of violence or a drug trafficking crime may file a petition with the Secretary for a permit to purchase, possess, and use bulletproof body armor.

(c) On receiving a petition under subsection (b) of this section, the Secretary may issue to the petitioner a permit to purchase, possess, and use bulletproof body armor under the terms, conditions, and limitations that the Secretary sets as appropriate, based on a determination that the petitioner:

(1) is likely to use or possess bulletproof body armor in a safe and lawful manner; and

(2) has shown good cause for the use, possession, or purchase of bulletproof body armor.

(d) In making a determination under subsection (c) of this section with respect to a petitioner, the Secretary shall consider:

(1) the effect of the determination on the employment of the petitioner;

(2) the interests of justice;

(3) the safety of the petitioner;

(4) any other valid reason for the petitioner to purchase, possess, or use bulletproof body armor; and

(5) the totality of the circumstances.

(e) As a condition of issuing a permit to a petitioner, the Secretary shall require that the petitioner agree to maintain in the person's possession a certified copy of the permit, including any terms, conditions, or limitations.

(f) (1) A permit under this section expires 5 years after the date of its issuance.

(2) A permit shall be renewed for successive periods of 5 years if the applicant:

(i) files an application for renewal at any time within 3 months before the permit expires; and

(ii) satisfies the requirements of this section.

(g) The Secretary may revoke a permit at any time if the Secretary finds that the holder no longer satisfies the qualifications set forth in subsection (c) of this section.

(h) (1) A person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receiving written notice of the Secretary's initial action.

(2) The informal review may include a personal interview of the applicant.

(3) An informal review under this subsection is not subject to the Administrative Procedure Act.

(4) After the informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the applicant of the decision in writing within 30 days after receiving the request for informal review.

(i) (1) A person aggrieved by a decision of the Secretary may seek review of the decision under Title 10, Subtitle 2 of the State Government Article.

(2) A request for informal review under subsection (h) of this section is not a condition precedent to instituting a contested case proceeding under this subsection.

(j) The Secretary shall adopt regulations to carry out this section.

(k) A person who violates subsection (a) of 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.

[Previous][Next]

[Previous][Next]

§4–108.

(a) In Anne Arundel County, Caroline County, and St. Mary's County a person may not target practice with a gun or weapon or discharge a gun or weapon on the land of another without first obtaining written permission from the owner or possessor of the land.

(b) (1) (i) In Anne Arundel County and Caroline County a person who violates this section is guilty of a misdemeanor and on conviction is subject to:

1. for a first violation, a fine of not less than $250 and not exceeding $1,000; and

2. for each subsequent violation, a fine of not less than $500 and not exceeding $2,000.

(ii) If a person fails to pay a fine imposed under this paragraph, further proceedings shall be held in accordance with § 7-505 of the Courts Article.

(2) In St. Mary's County a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

[Previous][Next]

§4–109.

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

(2) "Crime of violence" has the meaning stated in § 14–101 of this article.

(3) "Electronic control device" means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

(b) A person may not possess or use an electronic control device unless the person:

(1) has attained the age of 18 years; and

(2) has never been convicted of a crime of violence or a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, or § 5–614 of this article.

(c) An electronic control device may not be sold and activated in the State unless:

(1) an instructional manual or audio or audiovisual instructions are provided to the purchaser;

(2) the manufacturer maintains a record of the original owner of the electronic control device; and

(3) the manufacturer or seller has obtained a State and federal criminal history records check of the original owner to ensure compliance with subsection (b)(2) of this section.

(d) A manufacturer of electronic control devices shall provide an investigating law enforcement agency with prompt access to the manufacturer's records on electronic control devices and cartridges sold in the State.

(e) (1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 months or a fine not exceeding $500 or both.

(2) A person who violates subsection (b) of this section while committing a separate crime that is a crime of violence is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(f) This section does not prohibit a local government from adopting a restriction or requirement concerning the possession of an electronic control device that is more

stringent than the requirements of this section.

[Previous][Next]

[Previous][Next]

§4–110.

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

(1) contains explosive or incendiary material designed and intended for use in a firearm; and

(2) has a core constructed, excluding traces of other substances, entirely from one or a combination of:

(i) tungsten alloys;

(ii) steel;

(iii) iron;

(iv) brass;

(v) beryllium copper;

(vi) depleted uranium; or

(vii) an equivalent material of similar density or hardness.

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

(c) 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.

[Previous][Next]

§4–111.

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

(2) "Area for children and vulnerable individuals" means:

(i) a preschool or prekindergarten facility or the grounds of the facility;

(ii) a private primary or secondary school or the grounds of the school; or

(iii) a health care facility, as defined in § 15–10B–01(g)(1), (2), (3), and (4) of the Insurance Article.

(3) "Firearm" has the meaning stated in § 4–104 of this subtitle.

(4) "Government or public infrastructure area" means:

(i) a building or any part of a building owned or leased by a unit of State or local government;

(ii) a building of a public or private institution of higher education, as defined in § 10–101 of the Education Article;

(iii) a location that is currently being used as a polling place in accordance with Title 10 of the Election Law Article or for canvassing ballots in accordance with Title 11 of the Election Law Article;

(iv) an electric plant or electric storage facility, as defined in § 1–101 of the Public Utilities Article;

(v) a gas plant, as defined in § 1–101 of the Public Utilities Article; or

(vi) a nuclear power plant facility.

(5) "Law enforcement official" has the meaning stated in § 4–201 of this article.

(6) "Police officer" has the meaning stated in § 3–201 of the Public Safety Article.

(7) "ROTC" means Reserve Officer Training Corps.

(8) "Special purpose area" means:

(i) a location licensed to sell or dispense alcohol or cannabis for on–site consumption;

(ii) a stadium;

(iii) a museum;

(iv) an amusement park;

(v) a racetrack; or

(vi) a video lottery facility, as defined in § 9–1A–01 of the State Government Article.

(b) This section does not apply to:

(1) a law enforcement official or a police officer;

(2) an on–duty employee of a law enforcement agency authorized by the agency to possess firearms on duty or whose duty assignment involves the possession of firearms;

(3) a member of the armed forces of the United States, the National Guard, or the uniformed services on duty or traveling to or from duty;

(4) a member of an ROTC program while participating in an activity for an ROTC program;

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

(6) a railroad police officer appointed under Title 3, Subtitle 4 of the Public Safety Article;

(7) an employee of an armored car company, if the person is acting within the scope of employment and has a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article;

(8) subject to subsection (i) of this section, a person who has retired as a law enforcement official in good standing from a law enforcement agency of the United States, the State or another state, or a local unit in the State or another state, who possesses a firearm, if:

(i) 1. the person is carrying the person's badge or credential in compliance with the requirements of the badge or credential;

2. the firearm carried or possessed by the person is concealed from view under or within an article of the person's clothing; and

3. the person is authorized to carry a handgun under the laws of the State or the United States; or

(ii) 1. the person possesses a valid permit to wear, carry, or transport a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; and

2. the firearm carried or possessed by the person is concealed from view under or within an article of the person's clothing;

(9) for a location that is not owned by, leased by, or otherwise under the control of the State or a political subdivision of the State:

(i) the owner or lessee of the location; or

(ii) a person who is authorized by the owner or lessee of the location to wear, carry, or transport a firearm at the location for the purpose of:

1. employment as a security guard licensed under Title 19 of the Business Occupations Article; or

2. protecting any individual or property at the location with an express agreement between the parties, remuneration, or compensation;

(10) a location being used with the permission of the person or governmental unit that owns, leases, or controls the location for:

(i) an organized shooting activity for educational purposes;

(ii) a historical demonstration using a firearm; or

(iii) hunting or target shooting; or

(11) a firearm that is carried or transported in a motor vehicle if the firearm is:

(i) locked in a container; or

(ii) a handgun worn, carried, or transported in compliance with any limitations imposed under § 5–307 of the Public Safety Article, 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.

(c) A person may not wear, carry, or transport a firearm in an area for children or vulnerable individuals.

(d) (1) A person may not wear, carry, or transport a firearm in a government or public infrastructure area.

(2) A government or public infrastructure area specified under subsection (a)(4)(i) of this section must display a clear and conspicuous sign at the main entrance of the building or the part of a building that is owned or leased by the unit of State or local government indicating that it is not permissible to wear, carry, or transport a firearm in the building or that part of the building.

(e) A person may not wear, carry, or transport a firearm in a special purpose area.

(f) A person who willfully violates subsection (c), (d)(1), or (e) of 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.

(g) (1) A conviction under this section may not merge with a conviction for any other crime based on the act establishing the violation of this section.

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

(h) For purposes of this section, a requirement to keep a handgun concealed is not violated by:

(1) the momentary and inadvertent exposure of a handgun; or

(2) the momentary and inadvertent exposure of the imprint or outline of a handgun.

(i) Nothing in this section limits the power of an administrative head of a Maryland court to punish for contempt or to adopt rules or orders regulating, allowing, restricting, or prohibiting the possession of weapons in any building housing the court or any of its proceedings, or on any grounds appurtenant to the building.

[Previous][Next]

§4–201.

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

(b) "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) (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" 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;

(3) a fire and explosive investigator of the Prince George's County Fire/EMS Department as defined in § 2–208.3 of the Criminal Procedure Article;

(4) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(5) an Anne Arundel County or City of Annapolis fire and explosive

investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(6) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;

(7) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; or

(8) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

(e) "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" 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" 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" 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" means a motor vehicle as defined in Title 11, Subtitle 1 of the Transportation Article, a train, an aircraft, or a vessel.

[Previous][Next]

[Previous][Next]

§4–202.

The General Assembly finds that:

(1) the number of violent crimes committed in the State has increased alarmingly in recent years;

(2) a high percentage of violent crimes committed in the State involves the use of handguns;

(3) the result is a substantial increase in the number of deaths and injuries largely traceable to the carrying of handguns in public places by criminals;

(4) current law has not been effective in curbing the more frequent use of handguns in committing crime; and

(5) additional regulations on the wearing, carrying, and transporting of handguns are necessary to preserve the peace and tranquility of the State and to protect the rights and liberties of the public.

[Previous][Next]

§4–203.

(a) (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;

(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;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(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) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who 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 person if each handgun is unloaded and carried in an enclosed case or an 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 an 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;

(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; or

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

(i) the handgun is unloaded;

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

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

(c) (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 5 years or a fine of not less than $250 and not exceeding $2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, 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:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(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:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4–305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

[Previous][Next]

[Previous][Next]

§4–204.

(a) (1) In this section, "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 an antique firearm, handgun, rifle, shotgun, short–barreled rifle, short–barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years and, except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

[Previous][Next]

[Previous][Next]

§4–205.

(a) Notwithstanding § 14-102 of this article or any other provision of law, except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle, a court may not:

(1) enter a judgment for less than the mandatory minimum sentence prescribed in § 4-203 or § 4-204 of this subtitle in a case in which a mandatory minimum sentence is specified under § 4-203 or § 4-204 of this subtitle; or

(2) suspend a mandatory minimum sentence prescribed in § 4-203 or § 4-204 of this subtitle.

(b) Notwithstanding § 14-102 of this article or any other provision of law:

(1) except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle for wearing, carrying, or transporting a handgun other than on public school property, a court may not order probation before judgment in a case arising under this subtitle; and

(2) except with respect to a sentence prescribed in § 4-203(c)(2) of this subtitle, a court may not order probation with respect to a case arising under § 4-203 or § 4-204 of this subtitle that would have the effect of reducing the actual period of imprisonment prescribed in § 4-203 or § 4-204 of this subtitle as a mandatory minimum sentence.

[Previous][Next]

§4–206.

(a) (1) A law enforcement officer may make an inquiry and conduct a limited search of a person under paragraph (2) of this subsection if the officer, in light of the officer's observations, information, and experience, reasonably believes that:

(i) the person may be wearing, carrying, or transporting a handgun in violation of § 4–203 of this subtitle;

(ii) because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others;

(iii) under the circumstances, it is impracticable to obtain a search warrant; and

(iv) to protect the officer or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun.

(2) If the circumstances specified under paragraph (1) of this subsection exist, a law enforcement officer:

(i) may approach the person and announce the officer's status as a law enforcement officer;

(ii) may request the name and address of the person;

(iii) if the person is in a vehicle, may request the person's license to operate the vehicle and the registration of the vehicle;

(iv) may ask any question and request any explanation that may be reasonably calculated to determine whether the person is unlawfully wearing, carrying, or transporting a handgun in violation of § 4–203 of this subtitle; and

(v) if the person does not offer an explanation that dispels the officer's reasonable beliefs described in paragraph (1) of this subsection, may conduct a search of the person limited to a patting or frisking of the person's clothing in search of a handgun.

(3) A law enforcement officer acting under this subsection shall take into account all circumstances of the occasion, including the age, appearance, physical condition, manner, and gender of the person approached.

(b) (1) If the officer discovers that the person is wearing, carrying, or transporting a handgun, the officer may demand evidence from the person of the person's authority to wear, carry, or transport the handgun in accordance with §

4–203(b) of this subtitle.

(2) If the person does not produce the evidence specified in paragraph (1) of this subsection, the officer may seize the handgun and arrest the person.

(c) (1) A law enforcement officer who conducts a search or seizure in accordance with this section shall file a written report with the law enforcement officer's employer unit within 24 hours after the search or seizure.

(2) The report shall be on a form that the Secretary of Public Safety and Correctional Services prescribes, shall include the name of the person searched, and shall describe the circumstances surrounding and the reasons for the search or seizure.

(3) A copy of the report shall be sent to the Secretary of State Police.

(d) On request of a law enforcement officer, the Attorney General shall defend the officer in a civil action, including any appeal, in which the officer is sued for conducting a search or seizure under this section that is alleged to be unreasonable and unlawful.

(e) (1) This section may not be construed to limit the right of a law enforcement officer to conduct any other type of search or seizure or make an arrest that is otherwise authorized by law.

(2) The provisions of this section are in addition to and not limited by the provisions of Title 2 of the Criminal Procedure Article.

[Previous][Next]

§4–207.

Permit holder carrying, wearing, or transporting handgun under the influence

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

§4–208.

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

(2) (i) "Demonstration" means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers.

(ii) "Demonstration" does not include the casual use of property by visitors or tourists that does not have the intent or propensity to attract a crowd or onlookers.

(3) (i) "Firearm" means a handgun, rifle, shotgun, short–barreled rifle, short–barreled shotgun, or any other firearm, whether loaded or unloaded.

(ii) "Firearm" does not include an antique firearm.

(4) "Handgun" has the meaning stated in § 5–101 of the Public Safety Article.

(5) "Law enforcement officer" means:

(i) a member of a police force or other unit of the United States, the State, a county, municipal corporation, or other political subdivision who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, the State, a county, municipal corporation, or other political subdivision;

(ii) a park police officer of the Maryland–National Capital Park and Planning Commission;

(iii) a member of the University System of Maryland Police Force; and

(iv) any military or militia personnel directed by constituted authority to keep law and order.

(6) (i) "Public place" means a place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose.

(ii) "Public place" is not limited to a place devoted solely to the uses of the public.

(iii) "Public place" includes:

1. the front or immediate area or parking lot of a store,

restaurant, tavern, shopping center, or other place of business;

2. a public building, including its grounds and curtilage;

3. a public parking lot;

4. a public street, sidewalk, or right–of–way;

5. a public park; and

6. other public grounds.

(b) (1) This subsection does not apply to a law enforcement officer.

(2) A person may not have a firearm in the person's possession or on or about the person at a demonstration in a public place or in a vehicle that is within 1,000 feet of a demonstration in a public place after:

(i) the person has been advised by a law enforcement officer that a demonstration is occurring at the public place; and

(ii) the person has been ordered by the law enforcement officer to leave the area of the demonstration until the person disposes of the firearm.

(c) 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.

[Previous][Next]

§4–209.

(a) 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) (1) A county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the items listed in subsection (a) of this section:

(i) with respect to minors;

(ii) with respect to law enforcement officials of the subdivision; and

(iii) except as provided in paragraph (2) of this subsection, within 100 yards of or in a park, church, school, public building, and other place of public assembly.

(2) A county, municipal corporation, or special taxing district may not prohibit the teaching of or training in firearms safety, or other educational or sporting use of the items listed in subsection (a) of this section.

(3) A county, municipal corporation, or special taxing district may not prohibit the transportation of an item listed in subsection (a) of this section by a person who is carrying a court order requiring the surrender of the item, if:

(i) the handgun, rifle, or shotgun is unloaded;

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

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

(c) 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) (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.

[Previous][Next]

§4–301.

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

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

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

(1) AA Arms AP–9 semiautomatic pistol;

(2) Bushmaster semiautomatic pistol;

(3) Claridge HI–TEC semiautomatic pistol;

(4) D Max Industries semiautomatic pistol;

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

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

(7) Holmes MP–83 semiautomatic pistol;

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

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

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

(11) Skorpion semiautomatic pistol;

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

(13) UZI semiautomatic pistol;

(14) Weaver Arms semiautomatic Nighthawk pistol; or

(15) Wilkinson semiautomatic "Linda" pistol.

(d) "Assault weapon" means:

(1) an assault long gun;

(2) an assault pistol; or

(3) a copycat weapon.

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

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

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

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

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

1. a folding stock;

2. a grenade launcher or flare launcher; or

3. a flash suppressor;

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

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

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

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

(vi) a shotgun with a revolving cylinder.

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

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

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

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

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

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

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

(ii) the rate of fire increases.

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

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

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

[Previous][Next]

§4–302.

This subtitle does not apply to:

(1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer authorized under Title 3 of the Public Safety Article or 49 U.S.C. § 28101;

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

(3) possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:

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

(ii) acting to sell or transfer an assault weapon or detachable magazine to a licensed firearm dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or

(iii) acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair;

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

(5) the receipt of an assault weapon or detachable magazine by inheritance, and possession of the inherited assault weapon or detachable magazine, if the decedent lawfully possessed the assault weapon or detachable magazine and the person inheriting the assault weapon or detachable magazine is not otherwise disqualified from possessing a regulated firearm;

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

(7) possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local unit in the State and is not otherwise prohibited from receiving an assault weapon or detachable magazine if:

(i) the assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement; or

(ii) the assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency before retirement;

(8) possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; or

(9) possession, receipt, and testing by, or shipping to or from:

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

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

[Previous][Next]

§4–303.

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

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

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

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

(i) continue to possess and transport the assault pistol; or

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

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

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

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

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

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

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

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

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

[Previous][Next]

[Previous][Next]

§4–304.

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

[Previous][Next]

[Previous][Next]

§4–305.

(a) This section does not apply to:

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

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

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

[Previous][Next]

[Previous][Next]

§4–305.1.

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

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

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

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

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

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

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

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

[Previous][Next]

§4–306.

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

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

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

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

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

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

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

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

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

[Previous][Next]

§4–401.

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

(b) (1) "Crime of violence" means:

(i) murder in any degree;

(ii) manslaughter;

(iii) kidnapping;

(iv) rape in any degree;

(v) assault in the first degree;

(vi) robbery under § 3–402 or § 3–403 of this article;

(vii) burglary in any degree;

(viii) home invasion under § 6–202(b) of this article;

(ix) escape in the first degree; or

(x) theft.

(2) "Crime of violence" includes an attempt to commit a crime listed in paragraph (1) of this subsection.

(c) "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.

[Previous][Next]

§4–402.

(a) 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) This subtitle does not prohibit or interfere with:

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

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

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

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

(5) the transportation of a lawfully possessed machine gun by a person who is carrying a court order requiring the surrender of the machine gun, if:

(i) the machine gun is unloaded;

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

(iii) the person transports the machine gun directly to the law enforcement unit, barracks, or station.

(c) (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.

[Previous][Next]

§4–403.

(a) (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) (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) (1) A person who acquires a machine gun shall register the machine gun with the Secretary of State Police:

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

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

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

(3) An application for registration shall contain:

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

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

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

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

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

[Previous][Next]

[Previous][Next]

§4–404.

(a) A person may not use or possess a machine gun in the commission or attempted commission of a crime of violence.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

[Previous][Next]

[Previous][Next]

§4–405.

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

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

(d) A person who violates this section is subject to § 5-106(b) of the Courts Article.

[Previous][Next]

[Previous][Next]

§4–406.

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

[Previous][Next]

[Previous][Next]

§4–407.

This subtitle may be cited as the Uniform Machine Gun Act.

[Previous][Next]

§4–501.

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

(b) (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) (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) (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) (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.

[Previous][Next]

[Previous][Next]

§4–502.

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.

[Previous][Next]

§4–503.

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

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

(3) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

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

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

(c) (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, multicounty agency, county board of education, public authority, or special taxing district for actual costs reasonably incurred due to a violation of this section, including the search for, removal of, and damages caused by a destructive device; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property or damage sustained due to a violation of this section.

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

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

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

[Previous][Next]

§6–411.

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

(2) (i) "Dwelling" means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(ii) "Dwelling" does not include:

1. common elements of a condominium, as defined in § 11–101 of the Real Property Article;

2. property of a cooperative housing corporation other than a unit as defined in § 5–6B–01 of the Corporations and Associations Article; or

3. common areas of a multifamily dwelling as defined in § 12–203 of the Public Safety Article.

(3) "Firearm" has the meaning stated in § 4–104 of this article.

(4) "Law enforcement official" has the meaning stated in § 4–201 of this article.

(5) "Police officer" has the meaning stated in § 3–201 of the Public Safety Article.

(6) (i) "Property" means a building.

(ii) "Property" does not include the land adjacent to a building.

(b) This section does not apply to:

(1) a law enforcement official or police officer;

(2) an on–duty employee of a law enforcement agency authorized by the agency to possess firearms on duty or whose duty assignment involves the possession of firearms;

(3) a member of the armed forces of the United States, the National Guard, or the uniformed services on duty or traveling to or from duty;

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

(5) the wearing, carrying, or transporting of a firearm on a portion of real property subject to an easement, a right–of–way, a servitude, or any other property interest that allows public access on or through the real property; or

(6) the wearing, carrying, or transporting of a firearm on a portion of real property subject to an easement, a right–of–way, a servitude, or any other property interest allowing access on or through the real property by:

(i) the holder of the easement, right–of–way, servitude, or other property interest; or

(ii) a guest or assignee of the holder of the easement, right–of–way, servitude, or other property interest.

(c) A person wearing, carrying, or transporting a firearm may not enter or trespass in the dwelling of another unless the owner or the owner's agent has given express permission, either to the person or to the public generally, to wear, carry, or transport a firearm inside the dwelling.

(d) A person wearing, carrying, or transporting a firearm may not:

(1) enter or trespass on property unless the owner or the owner's agent has posted a clear and conspicuous sign indicating that it is permissible to wear, carry, or transport a firearm on the property; or

(2) enter or trespass on property unless the owner or the owner's agent has given the person express permission to wear, carry, or transport a firearm on the property.

(e) A person who willfully 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.

(f) (1) A conviction under this section may not merge with a conviction for any other crime based on the act establishing the violation of this section.

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

Public Safety – Title 5 - Firearms

SUBTITLE 1. REGULATED FIREARMS

SUBTITLE 2. RIFLES AND SHOTGUNS

SUBTITLE 3. HANDGUN PERMITS

SUBTITLE 4. HANDGUN ROSTER

SUBTITLE 5. CEASE FIRE COUNCIL

SUBTITLE 6. EXTREME RISK PROTECTIVE ORDERS

SUBTITLE 7. HOME-BUILT-FIREARMS

§5–101.

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

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

(b–1) (1) "Convicted of a disqualifying crime" includes:

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

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

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

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

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

(c) "Crime of violence" means:

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

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

(5) carjacking and armed carjacking;

(6) escape in the first degree;

(7) kidnapping;

(8) voluntary manslaughter;

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

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

(11) murder in the first or second degree;

(12) rape in the first or second degree;

(13) robbery;

(14) robbery with a dangerous weapon;

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

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

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

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

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

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

(f) "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" 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) (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;

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

(iii) an unfinished frame or receiver, as defined in § 5–701 of this title.

(2) "Firearm" includes a starter gun.

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

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

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

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

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

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

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

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

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

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

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

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

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

(r) "Regulated firearm" means:

(1) a handgun; or

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

(i) American Arms Spectre da Semiautomatic carbine;

(ii) AK–47 in all forms;

(iii) Algimec AGM–1 type semi–auto;

(iv) AR 100 type semi–auto;

(v) AR 180 type semi–auto;

(vi) Argentine L.S.R. semi–auto;

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

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

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

(x) Beretta AR70 type semi–auto;

(xi) Bushmaster semi–auto rifle;

(xii) Calico models M–100 and M–900;

(xiii) CIS SR 88 type semi–auto;

(xiv) Claridge HI TEC C–9 carbines;

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

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

(xvii) Dragunov Chinese made semi–auto;

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

(xix) Feather AT–9 semi–auto;

(xx) FN LAR and FN FAL assault rifle;

(xxi) FNC semi–auto type carbine;

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

(xxiii) Steyr–AUG–SA semi–auto;

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

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

(xxvi) Holmes model 88 shotgun;

(xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;

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

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

(xxx) Mossberg model 500 Bullpup assault shotgun;

(xxxi) Sterling Mark 6;

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

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

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

(xxxv) SKS with detachable magazine;

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

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

(xxxviii) Street sweeper assault type shotgun;

(xxxix) Striker 12 assault shotgun in all formats;

(xl) Unique F11 semi–auto type;

(xli) Daewoo USAS 12 semi–auto shotgun;

(xlii) UZI 9mm carbine or rifle;

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

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

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

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

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

(1) is a licensee;

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

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

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

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

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

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

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

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

[Previous][Next]

§5–102.

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.

[Previous][Next]

§5–103.

This subtitle does not affect:

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

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

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

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

(iii) the Maryland National Guard.

[Previous][Next]

[Previous][Next]

§5–104.

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.

[Previous][Next]

[Previous][Next]

§5–105.

The Secretary shall adopt regulations to carry out this subtitle.

[Previous][Next]

[Previous][Next]

§5–106.

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

[Previous][Next]

[Previous][Next]

§5–107.

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

[Previous][Next]

[Previous][Next]

§5–108.

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

(b) 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) 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) 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) 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) 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.

[Previous][Next]

[Previous][Next]

§5–109.

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.

[Previous][Next]

§5–110.

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

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

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

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

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

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

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

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

(1) the disapproval of the application; and

(2) the reason the application was denied.

(c) 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) (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.

[Previous][Next]

[Previous][Next]

§5–111.

(a) 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) (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.

[Previous][Next]

[Previous][Next]

§5–112.

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

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

(c) 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.

[Previous][Next]

§5–113.

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

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

§5–114.

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

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

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

(iii) is charged with a crime under Subtitle 7 of this title; or

(iv) is found in violation of a second offense under § 5–145.1 of this subtitle.

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

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

(b) 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;

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

(ix) is convicted of a crime under Subtitle 7 of this title; or

(x) is found in violation of a third or subsequent offense under § 5–145.1 of this subtitle.

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

(d) 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.

[Previous][Next]

[Previous][Next]

§5–115.

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

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

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

[Previous][Next]

[Previous][Next]

§5–116.

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

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

[Previous][Next]

[Previous][Next]

§5–117.

A person must submit a firearm application in accordance with this subtitle before the person purchases, rents, or transfers a regulated firearm.

[Previous][Next]

[Previous][Next]

§5–117.1.

(a) This section does not apply to:

(1) a licensed firearms manufacturer;

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

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

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

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

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

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

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

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

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

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

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

(1) is at least 21 years old;

(2) is a resident of the State;

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

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

(ii) classroom instruction on:

1. State firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation; and

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

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

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

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

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

(3) is a qualified handgun instructor;

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

(5) is an employee of an armored car company and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; or

(6) lawfully owns a regulated firearm.

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

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

license.

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

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

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

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

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

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

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

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

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

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

(g) An applicant for a handgun qualification license shall submit to the Secretary:

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

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

(3) (i) proof of satisfactory completion of:

1. a firearms safety training course approved by the Secretary; or

2. a course of instruction in competency and safety in the handling of firearms prescribed by the Department of Natural Resources under §

10–301.1 of the Natural Resources Article; or

(ii) a valid firearms instructor certification;

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

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

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

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

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

1. the reason the application was denied; and

2. a statement of the applicant's appeal rights under subsection (l) of this section.

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

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

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

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

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

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

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

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

(2) An applicant renewing a handgun qualification license under this

subsection is not required to:

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

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

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

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

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

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

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

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

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

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

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

[Previous][Next]

§5–118.

(a) 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) A firearm application shall contain:

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

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

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

(i) is at least 21 years old;

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

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

(iv) is not a fugitive from justice;

(v) is not a habitual drunkard;

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

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

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

(ix) has never been found not criminally responsible under § 3–110 of

the Criminal Procedure Article;

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

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

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

(xiii) is not a respondent against whom:

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

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

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

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

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

[Previous][Next]

[Previous][Next]

§5–119

Exemption from certified firearms training course requirement

Repealed by Acts 2013, ch. 427, § 1, effective October 1, 2013

[Previous][Next]

§5–120.

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

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

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

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

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

[Previous][Next]

§5–121.

(a) 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) 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.

(a) 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) (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.

[Previous][Next]

§5–123.

(a) 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) 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) (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) (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.

[Previous][Next]

[Previous][Next]

§5–124.

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

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

(e) (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.

[Previous][Next]

[Previous][Next]

§5–125.

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

(b) 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.

[Previous][Next]

[Previous][Next]

§5–126.

(a) (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) The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

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

[Previous][Next]

[Previous][Next]

§5–127.

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

[Previous][Next]

[Previous][Next]

§5–128.

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

(c) 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) 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.

[Previous][Next]

[Previous][Next]

§5–129.

(a) 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) (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) 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) 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.

[Previous][Next]

[Previous][Next]

§5–130.

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

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

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

(f) 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) (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) (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) (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) 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.

[Previous][Next]

[Previous][Next]

§5–131

Handgun identification requirements

Repealed by Acts 2015, ch. 379, § 1, effective October 1, 2015

§5–132.

(a) (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) 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) (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) (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.

(a) 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) Subject to § 5–133.3 of this subtitle, a person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

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

(3) (i) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4–104 of the Criminal Law Article; or

(ii) has been convicted on or after October 1, 2023, of a violation of § 4–104 of the Criminal Law Article if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person;

(4) subject to subsection (b–1) of this section, is on supervised probation after being convicted:

(i) of a crime punishable by imprisonment for 1 year or more;

(ii) for a violation of § 21–902(b) or (c) of the Transportation Article; or

(iii) for violating a protective order under § 4–509 of the Family Law Article;

(5) is a fugitive from justice;

(6) is a habitual drunkard;

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

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

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

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

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

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

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

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

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

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

(15) 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.

(b–1) Subsection (b)(4) of this section may not be construed to prohibit possession of a regulated firearm by a person who was not convicted of but received only probation before judgment for an offense listed in subsection (b)(4) of this section.

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

(i) a crime of violence;

(ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, § 5–614, § 5–621, or § 5–622 of the Criminal Law Article; or

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

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

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

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

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

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

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

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

(5) A person convicted under this subsection is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

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

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

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

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

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

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

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

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

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

2. under the supervision of a qualified instructor;

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

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

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

(1) the regulated firearm is unloaded;

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

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

(f) This section does not apply to the carrying or transporting of a regulated firearm by a person who is carrying a court order requiring the surrender of the regulated firearm, if:

(1) the firearm is unloaded;

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

(3) the person transports the firearm directly to a State or local law enforcement agency or a federally licensed firearms dealer.

(g) Subject to subsection (b)(3) of this section, a person who has been convicted on or after October 1, 2023, of a violation of § 4–104 of the Criminal Law Article may not possess a regulated firearm for 5 years following the date of the conviction.

[Previous][Next]

[Previous][Next]

§5–133.1.

(a) In this section, "ammunition" means a cartridge, shell, or any other device containing explosive or incendiary material designed and intended for use in a firearm.

(b) A person may not possess ammunition if the person is prohibited from possessing a regulated firearm under § 5–133 (b) or (c) of this subtitle.

(c) 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.

[Previous][Next]

§5–133.2.

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

(2) "Facility" has the meaning stated in § 10–101 of the Health – General Article.

(3) "NICS Index" means the Federal Bureau of Investigation's National Instant Criminal Background Check System.

(b) (1) A court shall promptly report information required in paragraph (2) of this subsection through a secure data portal approved by the Department of Public Safety and Correctional Services if a court:

(i) determines that a person is not criminally responsible under § 3–110 of the Criminal Procedure Article;

(ii) finds that a person is incompetent to stand trial under § 3–106 of the Criminal Procedure Article; or

(iii) finds under § 13–201(c) or § 13–705 of the Estates and Trust Article that a person should be under the protection of a guardian, except for cases in which the appointment of a guardian is solely a result of a physical disability.

(2) On a finding or determination under paragraph (1) of this subsection, the following information shall be reported to the NICS Index:

(i) the name and identifying information of the person; and

(ii) the date of the determination or finding.

(c) (1) A facility shall report information required in paragraph (2) of this subsection regarding a person admitted to the facility under § 10–609 of the Health – General Article or committed to the facility under Title 10, Subtitle 6, Part III of the Health – General Article to the NICS Index through a secure data portal approved by the Department of Public Safety and Correctional Services, if:

(i) the person has been admitted to a facility for 30 consecutive days or more; or

(ii) the person has been involuntarily committed to a facility.

(2) On admission to a facility the following information shall be reported to the NICS Index:

(i) the name and identifying information of the person admitted or committed;

(ii) the date the person was admitted or committed to the facility; and

(iii) the name of the facility to which the person was admitted or committed.

[Previous][Next]

§5–133.3.

(a) In this section, "Health Department" means the Maryland Department of Health.

(b) A person subject to a regulated firearms disqualification under § 5–133(b)(6), (7), (8), (9), (10), or (11) of this subtitle, a rifle or shotgun disqualification under § 5–205(b)(6), (7), (8), (9), (10), or (11) of this title, or prohibited from the shipment, transportation, possession, or receipt of a firearm by 18 U.S.C. §§ 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in the State may be authorized to possess a firearm if:

(1) the person is not subject to another firearms restriction under State or federal law; and

(2) the Health Department, in accordance with this section, determines that the person may possess a firearm.

(c) A person who seeks relief from a firearms disqualification shall file an application with the Health Department in the form and manner set by the Health Department.

(d) An application for relief from a firearms disqualification shall include:

(1) a complete and accurate statement explaining the reason why the applicant is prohibited from possessing a regulated firearm under § 5–133(b)(6), (7), (8), (9), (10), or (11) of this subtitle or a rifle or shotgun under § 5–205(b)(6), (7), (8), (9), (10), or (11) of this title, or is prohibited from the shipment, transportation, possession, or receipt of a firearm by 18 U.S.C. §§ 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in the State;

(2) a statement why the applicant should be relieved from the prohibition described in item (1) of this subsection;

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

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

(ii) the length of time that the applicant has been compliant with the

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) the application is not properly completed; or

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

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

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

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

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

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

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

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

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

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

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

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

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

[Previous][Next]

§5–134.

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

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

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

(2) has been convicted of a disqualifying crime;

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

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

(5) is a fugitive from justice;

(6) is a habitual drunkard;

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

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

of possessing a regulated firearm without undue danger to the purchaser, lessee, borrower, or transferee or to another;

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

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

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

(13) is a participant in a straw purchase;

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

(15) intends to use the regulated firearm to:

(i) commit a crime; or

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

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

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

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

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

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

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

(6) is the borrower of a firearm.

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

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

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

2. ammunition for a firearm to a minor;

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

4. another deadly weapon to a minor.

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

[Previous][Next]

[Previous][Next]

§5–135.

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.

[Previous][Next]

[Previous][Next]

§5–136.

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

[Previous][Next]

[Previous][Next]

§5–137.

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

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

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

(b) 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.

[Previous][Next]

[Previous][Next]

§5–138.

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.

[Previous][Next]

[Previous][Next]

§5–139.

(a) 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) 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.

[Previous][Next]

[Previous][Next]

§5–140.

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

[Previous][Next]

[Previous][Next]

§5–141.

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

[Previous][Next]

[Previous][Next]

§5–142.

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

(b) 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.

[Previous][Next]

[Previous][Next]

§5–143.

(a) (1) A person who moves into the State with the intent of becoming a resident shall register all regulated firearms with the Secretary within 90 days after establishing residency.

(2) The Secretary shall prepare and, on request of an applicant, provide an application form for registration under this section.

(b) An application for registration under this section shall contain:

(1) the make, model, manufacturer's serial number, caliber, type, barrel length, finish, and country of origin of each regulated firearm; and

(2) 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, and occupation.

(c) An application for registration filed with the Secretary of State Police shall be accompanied by a nonrefundable total registration fee of $15, regardless of the number of firearms registered.

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

[Previous][Next]

[Previous][Next]

§5–144.

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

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

(2) knowingly violate § 5–142 of this subtitle.

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

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

[Previous][Next]

[Previous][Next]

§5–145.

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

(2) The Secretary shall adopt regulations specifying:

(i) subject to paragraph (3) of this subsection, the information that the records shall contain;

(ii) the time period for which the records are to be kept; and

(iii) the form in which the records are to be kept.

(3) The records shall include:

(i) the name and address of each person from whom the dealer acquires a firearm and to whom the dealer sells or otherwise disposes of a firearm;

(ii) a precise description, including make, model, caliber, and serial number of each firearm acquired, sold, or otherwise disposed of; and

(iii) the date of each acquisition, sale, or other disposition.

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

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

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

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

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

(2) The information requested under this subsection shall be provided

orally or in writing, as required by the Secretary.

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

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

(f) The Secretary:

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

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

(g) (1) A person who violates this section is subject to a civil penalty not exceeding $1,000 imposed by the Secretary.

(2) For a second or subsequent offense, a person who knowingly violates this section is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding $10,000 or both.

(3) The penalties provided in this subsection are not intended to apply to inconsequential or inadvertent errors.

[Previous][Next]

§5–145.1.

(a) A licensed dealer may not conduct business and store firearms at a location unless:

(1) the premises on which the licensed dealer operates is equipped with security features, including:

(i) equipment capable of filming and recording video footage inside and outside buildings where firearms are stored;

(ii) at least one of the following features designed to prevent unauthorized entry installed on all exterior doors and windows of all buildings where firearms are stored:

1. bars;

2. security screens;

3. commercial grade metal doors;

4. grates; or

5. other physical barriers approved by the Secretary;

(iii) a burglary alarm system that is continually monitored; and

(iv) if practicable, physical barriers designed to prevent the use of motor vehicles to breach all buildings where firearms are stored; or

(2) outside business hours, the licensed dealer locks all firearms stored on the premises in:

(i) a vault;

(ii) a safe; or

(iii) a room or building that meets the requirements under item (1) of this subsection.

(b) (1) This subsection does not apply if the equipment or alarm system became temporarily inoperable at no fault of the licensed dealer.

(2) A person who violates this section is subject to a civil penalty not exceeding $1,000 imposed by the Secretary.

(3) In addition to the penalty imposed under paragraph (2) of this subsection, a person who knowingly and willfully violates this section is subject to:

(i) for a second offense, suspension of the person's dealer's license; and

(ii) for a third or subsequent offense, revocation of the person's dealer's license.

(c) The Secretary shall adopt rules and regulations to determine whether a licensed dealer has met the requirements of subsection (a) of this section.

[Previous][Next]

[Previous][Next]

§5–146.

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

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

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

(d) (1) A knowing and willful first–time violation of this section is a civil offense punishable by a fine not exceeding $500.

(2) A person who knowingly and willfully violates this section for a second or subsequent time is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

(e) The imposition of a civil or criminal penalty under this section does not preclude the pursuit of any other civil remedy or criminal prosecution authorized by law.

[Previous][Next]

§5–147.

(a) In this section, "Department" means the Department of State Police.

(b) (1) The Department shall transmit to each e–mail address on file with the Department that is associated with the purchaser or transferee of a regulated firearm or a person who has registered a regulated firearm with the Department a summary of each new law or change to each existing law pertaining to firearms that was passed by the General Assembly during each legislative session as provided in paragraph (2) of this subsection.

(2) The summary described in paragraph (1) of this subsection shall be transmitted:

(i) within 45 days after the General Assembly adjourns Sine Die in a legislative session;

(ii) for each act establishing a new law or change to an existing law pertaining to firearms, 30 days before the effective date of the act; and

(iii) if an act is designated as an emergency act, as soon as practicable.

§5–201.

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

(b) "Dealer's license" means a federal firearms license.

(c) "Immediate family member" means a spouse, a parent, a stepparent, a grandparent, a stepgrandparent, an aunt, an uncle, a sibling, a stepsibling, a child, a stepchild, a grandchild, a stepgrandchild, a niece, or a nephew, as related by blood or marriage.

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

(e) "NICS Index" has the meaning stated in § 5–133.2 of this title.

(f) "Rifle" has the meaning stated in § 4–201 of the Criminal Law Article.

(g) "Short–barreled rifle" has the meaning stated in § 4–201 of the Criminal Law Article.

(h) "Short–barreled shotgun" has the meaning stated in § 4–201 of the Criminal Law Article.

(i) "Shotgun" has the meaning stated in § 4–201 of the Criminal Law Article.

[Previous][Next]

§5–202.

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.

[Previous][Next]

[Previous][Next]

§5–203.

(a) 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) 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) 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.

[Previous][Next]

§5–204.

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

(b) 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) 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.

§5–204.1.

(a) This section does not apply to:

(1) a sale, rental, or transfer:

(i) involving a licensee or a federally licensed gun manufacturer, dealer, or importer;

(ii) between immediate family members;

(iii) involving law enforcement personnel of any unit of the federal government, a member of the armed forces of the United States, a member of the National Guard, or law enforcement personnel of the State or any local agency in the State, while acting in the scope of official duty;

(iv) of a curio or relic firearm between collectors who each have in their possession a valid collector of curios and relics license, as the terms are defined in federal law or determinations published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(v) of an unserviceable rifle or shotgun sold, rented, or transferred as a curio or museum piece;

(vi) of a rifle or shotgun modified to render it permanently inoperative; or

(vii) in which the purchaser, lessee, or transferee:

1. has a demonstrable religious belief against taking a portrait photograph; and

2. does not possess a license or an identification card of any kind with photographic identification; or

(2) a transfer that occurs by operation of law on the death of a person for whom the transferee is an executor, an administrator, a trustee, or a personal representative of an estate or a trust created in a will.

(b) A person who is not a licensee may not complete a sale, rental, or transfer of a rifle or shotgun other than a regulated firearm, as a purchaser, lessee, or transferee or seller, lessor, or transferor, unless the person is in compliance with this section.

(c) (1) Before a sale, rental, or transfer is conducted, the seller, lessor, or transferor and purchaser, lessee, or transferee shall both request that a licensee facilitate the sale, rental, or transfer.

(2) (i) A licensee who agrees to facilitate a sale, rental, or transfer under this section shall process the sale, rental, or transfer as though transferring the rifle or shotgun from the licensee's own inventory to the purchaser, lessee, or transferee.

(ii) The licensee shall conduct a background check on the purchaser, lessee, or transferee through the NICS Index and comply with all federal and State law that would apply to the sale, rental, or transfer, including all inventory and record–keeping requirements.

(3) The seller, lessor, or transferor may:

(i) deliver the rifle or shotgun to a licensee; or

(ii) without appearing in person before the licensee, allow another person, to whom the transferor is authorized to transfer the rifle or shotgun, to deliver the rifle or shotgun to the licensee.

(d) (1) The licensee or the seller, lessor, or transferor may not complete the sale, rental, or transfer to the purchaser, lessee, or transferee if the results of the background check indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun.

(2) Unless the seller, lessor, or transferor delivered the rifle or shotgun in accordance with subsection (c)(3)(ii) of this section or otherwise left the rifle or shotgun in the exclusive possession of the licensee, if the results of the background check indicate that the purchaser, lessee, or transferee may not possess the rifle or shotgun, the seller, lessor, or transferor may remove the rifle or shotgun from the premises of the licensee or a gun show.

(e) A licensee may charge a reasonable fee for facilitating a sale, rental, or transfer under this section.

(f) (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 6 months or a fine not exceeding $10,000 or both.

(2) A person who provides false information while conducting a transaction under 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.

(g) A licensee who processes a sale, rental, or transfer under this section may not be held civilly liable for personal injury or property damage resulting from the malfunctioning of a rifle or shotgun if the licensee did not modify or alter the rifle or shotgun.

[Previous][Next]

§5–205.

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

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

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

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

(3) is a fugitive from justice;

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

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

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

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

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

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

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

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

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

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

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

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

(c) This section does not apply to:

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

(i) the rifle or shotgun is unloaded;

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

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

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

(i) the rifle or shotgun is unloaded;

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

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

(d) 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.

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

[Previous][Next]

[Previous][Next]

§5–206.

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

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

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

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

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

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

[Previous][Next]

[Previous][Next]

§5–207.

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

(b) In this section, "loan" includes a temporary gratuitous exchange of a rifle or shotgun.

(c) A licensee or any other person may not sell, rent, transfer, or loan a rifle or shotgun to a purchaser, lessee, transferee, or recipient who the licensee or other person knows or has reasonable cause to believe:

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

(2) has been convicted of a violation classified as a 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 as defined in § 5–101 of this title;

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

(6) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health – General Article, and has a history of violent behavior against the purchaser, lessee, transferee, recipient, or another, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(7) has been found incompetent to stand trial under § 3–106 of the Criminal Procedure Article, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(8) has been found not criminally responsible under § 3–110 of the Criminal Procedure Article, unless the purchaser, lessee, transferee, or recipient has

received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(10) has been involuntarily committed for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(11) is under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability, unless the purchaser, lessee, transferee, or recipient has received a certificate from the Maryland Department of Health relieving the purchaser, lessee, transferee, or recipient of the disqualification;

(12) is a respondent against whom:

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

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

(13) 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;

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

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

(16) intends to use the rifle or shotgun to:

(i) commit a crime; or

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

(d) 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.

[Previous][Next]

§5–301.

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

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

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

(d) "Qualified handgun instructor" has the meaning stated in § 5–101 of this title.

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

§5–302.

Repealed by Acts 2020, chs. 2 and 4, § 1, effective January 30, 2020

Article - Public Safety

[Previous][Next]

§5–303.

A person shall have a permit issued under this subtitle before the person carries, wears, or transports a handgun.

[Previous][Next]

§5–304.

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

(b) (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) $125 for an initial application;

(ii) $75 for a renewal or subsequent application; and

(iii) $20 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) 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) 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) The applicant shall pay a fee under this section by an electronic check, a credit card, or a method of online payment approved by the Secretary.

[Previous][Next]

§5–305.

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

(b) Except as provided in subsection (g) of this section, the Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a permit.

(c) 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) 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) 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) 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.

(g) For an employee of an armored car company who is an applicant for a permit, the Secretary may accept a criminal background investigation performed on behalf of the armored car company in place of the criminal history records check required by this section if:

(1) the criminal background investigation meets the minimum requirements established by the Department of State Police; and

(2) the Secretary performs a cursory check to verify the facts listed in the criminal background investigation.

[Previous][Next]

§5–306.

(a) Subject to subsections (c) and (d) of this section, the Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:

(1) (i) is at least 21 years old; or

(ii) is a person who is a member of the armed forces of the United States, the National Guard, or the uniformed services;

(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 on supervised probation for:

(i) conviction of a crime punishable by imprisonment for 1 year or more;

(ii) a violation of § 21–902(b) or (c) of the Transportation Article; or

(iii) violating a protective order under § 4–509 of the Family Law Article;

(5) 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;

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

(7) has not been involuntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;

(8) is not a respondent against whom:

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

(ii) a current extreme risk protective order has been entered under § 5–601 of this title; or

(iii) any other type of current court order has been entered prohibiting the person from purchasing or possessing firearms;

(9) except as provided in subsection (b) of this section, has successfully completed prior to application and each renewal, a firearms training course approved by the Secretary that meets the minimum criteria specified in subsection (a–1) of this section; and

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

(a–1) The firearms training course required under subsection (a) of this section shall include:

(1) (i) for an initial application, a minimum of 16 hours of in–person instruction by a qualified handgun instructor; or

(ii) for a renewal application, 8 hours of in–person instruction by a qualified handgun instructor;

(2) classroom instruction on:

(i) State and federal firearm laws, including laws relating to:

1. self–defense;

2. defense of others;

3. defense of property;

4. the safe storage of firearms;

5. the circumstances under which an individual becomes prohibited from possessing a firearm under State and federal law, including becoming a respondent against whom:

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

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

C. a current extreme risk protective order has been entered under Subtitle 6 of this title;

6. the requirements and options for surrendering, transferring, or otherwise disposing of a firearm after becoming prohibited from possessing a firearm under State or federal law;

7. the requirements for reporting a loss or theft of a firearm to a law enforcement agency as required by § 5–146 of this title;

8. the firearms and firearm accessories which are banned under State and federal law;

9. the types of firearms that require a special permit or registration to acquire or possess under State or federal law;

10. the law prohibiting straw purchases;

11. the law concerning armed trespass under § 6–411 of the Criminal Law Article; and

12. the locations where a person is prohibited from possessing a firearm regardless of whether the person possesses a permit issued under this subtitle;

(ii) home firearm safety;

(iii) handgun mechanisms and operations;

(iv) conflict de–escalation and resolution;

(v) anger management; and

(vi) suicide prevention; and

(3) a firearm qualification component that includes live–fire shooting exercise on a firing range and requires the applicant to demonstrate:

(i) safe handling of a handgun; and

(ii) shooting proficiency with a handgun.

(a–2) The Secretary, in consultation with the Office of the Attorney General and the Department of Health, shall develop, publish, update, and distribute to all State–certified firearms instructors a curriculum of instruction for the topics required for classroom instruction in subsection (a–1) of this section.

(b) An applicant for a permit is not required to complete a certified firearms training course under subsection (a) of this section if the applicant:

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

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

(3) is a qualified handgun instructor; or

(4) has completed a firearms training course approved by the Secretary.

(c) 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.

(d) (1) The Secretary may not issue a permit to a person if the person:

(i) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4–104 of the Criminal Law Article; or

(ii) has been convicted on or after October 1, 2023, of a violation of § 4–104 of the Criminal Law Article if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person.

(2) Subject to paragraph (1) of this subsection, the Secretary may not issue a permit to a person who has been convicted on or after October 1, 2023, of a violation of § 4–104 of the Criminal Law Article for 5 years following the date of the conviction.

(e) The Secretary may issue a handgun qualification license, without an additional application or fee, to a person who:

(1) meets the requirements for issuance of a permit under this section; and

(2) does not have a handgun qualification license issued under § 5–117.1 of this title.

[Previous][Next]

§5–307.

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

(b) (1) Subject to subsection (c) of this section, a permit issued under this subtitle shall restrict the wearing, carrying, and transporting of a handgun by the person to whom the permit is issued to wearing, carrying, or transporting a handgun concealed from view:

(i) under or within an article of the person's clothing; or

(ii) within an enclosed case.

(2) The requirement in paragraph (1) of this subsection to keep a handgun concealed is not violated by:

(i) the momentary and inadvertent exposure of a handgun; or

(ii) the momentary and inadvertent exposure of the imprint or outline of a handgun.

(c) A person is not subject to the requirement in subsection (b) of this section to keep a handgun concealed if the person 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:

(1) a person exempted under § 4–203(b)(1) of the Criminal Law Article;

(2) a security guard licensed under Title 19 of the Business Occupations Article acting within the scope of employment;

(3) a correctional officer or warden of a correctional facility in the State acting within the scope of employment;

(4) a railroad police officer appointed under Title 3, Subtitle 4 of this article acting within the scope of employment; or

(5) an employee of an armored car company acting within the scope of employment.

[Previous][Next]

[Previous][Next]

§5–308.

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.

[Previous][Next]

§5–309.

(a) Except as provided in subsection (d) of this section, a permit expires on the last day of the holder's birth month following 2 years after the date the permit is issued.

(b) Subject to subsection (c) of this section, 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.

(c) A person who applies for a renewal of a permit is not required to be fingerprinted unless the Secretary requires a set of the person's fingerprints to resolve a question of the person's identity.

(d) The Secretary may establish an alternative expiration date for a permit to coincide with the expiration of a license, certification, or commission for:

(1) a private detective under Title 13 of the Business Occupations and Professions Article;

(2) a security guard under Title 19 of the Business Occupations and Professions Article; or

(3) a special police officer under § 3–306 of this article.

§5–310.

(a) (1) The Secretary shall:

(i) revoke a permit on a finding that the holder does not meet the qualifications described in § 5–306 of this subtitle; and

(ii) regularly review information regarding active permit holders using the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services to determine whether all permit holders continue to meet the qualifications described in § 5–306 of this subtitle.

(b) The Secretary may revoke a permit on a finding that the holder violated § 5–308 of this subtitle.

(c) If the Secretary revokes a permit under this section from a person the Secretary determines is prohibited from possessing a regulated firearm under § 5–133 of this title, the Secretary shall take reasonable steps to ensure the surrender of any regulated firearms in the person's possession.

(d) 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.

(a) If the Secretary denies a permit or renewal of a permit or revokes or limits a permit, the Secretary shall provide written notice of that initial action to the applicant, including a detailed explanation of the reason or reasons for the initial action.

(b) 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 the written notice of the Secretary's initial action under subsection (a) of this section.

(c) 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.

(d) (1) 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.

(2) The written notice of the results of the Secretary's informal review under paragraph (1) of this subsection shall include a detailed explanation of the reason or reasons for the Secretary's decision to sustain, reverse, or modify the initial action.

(e) 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.

(a) (1) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request to appeal the decision of the Secretary to the Office of Administrative Hearings by filing a written request with the Secretary and the Office of Administrative Hearings within 10 days after receipt of written notice of the Secretary's 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 Office of Administrative Hearings by filing a written request with the Secretary and the Office of Administrative Hearings.

(b) (1) Within 60 days after the receipt of a request under subsection (a) of this section from the applicant or the holder of the permit, the Office of Administrative Hearings shall schedule and conduct a de novo hearing on the matter, at which witness testimony and other evidence may be provided.

(2) Within 90 days after the conclusion of the last hearing on the matter, the Office of Administrative Hearings shall issue a written finding of facts and a decision.

(3) A party that is aggrieved by the decision of the Office of Administrative Hearings may appeal the decision to the circuit court.

(c) (1) Subject to subsection (b) of this section, 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.

(d) (1) On or before January 1 each year, the Office of Administrative Hearings shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly the following information disaggregated by an applicant's county of residence, race, ethnicity, age, and gender:

(i) the number of appeals of decisions by the Secretary that have been filed with the Office of Administrative Hearings within the previous year;

(ii) the number of decisions by the Secretary that have been sustained, modified, or reversed by the Office of Administrative Hearings within the previous year;

(iii) the number of appeals that are pending; and

(iv) the number of appeals that have been withdrawn within the previous year.

(2) On or before January 1 each year, the Secretary shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly the following information disaggregated by an applicant's county of residence, race, ethnicity, age, and gender:

(i) the total number of permit applications that were submitted to the Secretary within the previous year;

(ii) the total number of permit applications that were granted by the Secretary within the previous year;

(iii) the total number of permit applications that were denied by the Secretary within the previous year;

(iv) the total number of permit applications that were revoked within the previous year; and

(v) the total number of permit applications filed with the Secretary that are pending at the time of the issuance of the report.

[Previous][Next]

[Previous][Next]

§5–313.

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

(b) 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.

[Previous][Next]

[Previous][Next]

§5–314.

(a) 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) 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.

[Previous][Next]

[Previous][Next]

§5–401.

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

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

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

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

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

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

[Previous][Next]

[Previous][Next]

§5–402.

(a) 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) (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.

[Previous][Next]

[Previous][Next]

§5–403.

The Secretary shall adopt regulations necessary to carry out this subtitle.

[Previous][Next]

[Previous][Next]

§5–404.

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

(b) (1) The Board consists of 11 members.

(2) Of the 11 members of the Board:

(i) one shall be the Secretary as an ex officio member;

(ii) ten shall be appointed by the Governor with the advice and consent of the Senate; and

(iii) all shall be Maryland residents.

(3) Of the ten appointed members of the Board:

(i) one shall be a representative of the Association of Chiefs of Police;

(ii) one shall be a representative of the Maryland State's Attorneys' Association;

(iii) one shall be a handgun dealer, gunsmith, or representative of a handgun manufacturer;

(iv) one shall be a resident of the State who is a representative of the National Rifle Association or its affiliated State association;

(v) one shall be a representative of an organization that advocates against handgun violence; and

(vi) five shall be public members, two of whom shall be mechanical or electrical engineers.

(c) The term of an appointed member is 4 years.

(d) The Secretary shall serve as chairman.

(e) The Board shall meet at the request of the chairman or of a majority of the members.

[Previous][Next]

§5–405.

(a) The Board shall:

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

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

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

(b) The Board shall consider carefully each of the following characteristics of a handgun without placing undue weight on any one characteristic in determining whether any handgun should be placed on the handgun roster:

(1) concealability;

(2) ballistic accuracy;

(3) weight;

(4) quality of materials;

(5) quality of manufacture;

(6) reliability as to safety;

(7) caliber;

(8) detectability by the standard security equipment that is commonly used at an airport or courthouse and that is approved by the Federal Aviation Administration for use at airports in the United States; and

(9) utility for legitimate sporting activities, self-protection, or law enforcement.

(c) (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) (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) (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) This section does not require the Board to test any handgun or have any handgun tested at the expense of the Board.

[Previous][Next]

[Previous][Next]

§5–406.

(a) (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) 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) (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.

[Previous][Next]

[Previous][Next]

§5–501.

In this subtitle, "Council" means the Cease Fire Council.

[Previous][Next]

[Previous][Next]

§5–502.

(a) There is a Cease Fire Council in the Governor's Office of Crime Control and Prevention.

(b) (1) The Council consists of 11 members.

(2) Of the 11 members of the Council:

(i) one shall be the Secretary of Juvenile Services or a designee;

(ii) one shall be the Secretary of State Police or a designee;

(iii) one shall be the Secretary of Public Safety and Correctional Services or a designee;

(iv) one shall be the Executive Director of the Governor's Office of Crime Control and Prevention or a designee;

(v) two shall be State's Attorneys who are recommended by the President of the Maryland State's Attorneys' Association, appointed by the Governor;

(vi) one shall be a sheriff, appointed by the Governor;

(vii) one shall represent the Maryland Chiefs of Police Association, appointed by the Governor;

(viii) one shall represent the Maryland Municipal Police Executives Association, appointed by the Governor; and

(ix) two shall represent the public, appointed by the Governor.

(c) (1) The appointed members serve at the pleasure of the Governor.

(2) The term of an appointed member is 3 years.

(3) The terms of the appointed members are staggered as required by the terms provided for appointed members of the Council on October 1, 2003.

(4) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(d) The Secretary of State Police or the Secretary's designee is the Chairman of the Council.

(e) A member of the Council:

(1) may not receive compensation as a member of the Council; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Governor's Office of Crime Control and Prevention shall provide staff support for the Council.

(2) The Assistant Attorney General assigned to the Governor's Office of Crime Control and Prevention is the legal advisor to the Council.

[Previous][Next]

[Previous][Next]

§5–503.

(a) The purpose of the Council is to administer the Cease Fire Council Grant Program to support innovative and collaborative firearms violence reduction initiatives.

(b) The Council shall:

(1) make grants in accordance with § 5-504 of this subtitle;

(2) establish or assist in the establishment of programs designed to reduce the incidence of firearms violence related crime and encourage participation in existing programs with these objectives;

(3) identify specific goals, objectives, and methodologies to be used in support of programs eligible for funding under this subtitle;

(4) identify priorities for firearms violence related crime prevention strategies in the State; and

(5) develop criteria to evaluate the outcomes of programs that receive money under this subtitle.

[Previous][Next]

[Previous][Next]

§5–504.

(a) There is a Cease Fire Council Grant Program.

(b) The Cease Fire Council Grant Program shall be funded as provided in the State budget.

(c) Grants made by the Council shall be used to carry out the purposes of this subtitle.

(d) When making grants, the Council shall consider and give priority to:

(1) comprehensive and coordinated law enforcement and prosecution programs that target criminals and juveniles who use or illegally possess firearms;

(2) law enforcement and prosecution salaries and overtime in support of firearm violence reduction programs;

(3) covert firearms-related investigations and debriefing of criminal and juvenile arrestees and offenders for information related to illegal firearms trafficking;

(4) initiatives that support the tracing of firearms used to commit crimes or delinquent acts and the identification of illegal firearms traffickers;

(5) purchases of technology and information systems to support firearm violence reduction initiatives; and

(6) other efforts that aid in apprehending and prosecuting criminals or apprehending and filing a complaint against juveniles who use or illegally possess firearms.

(e) Expenditures from the Cease Fire Council Grant Program may be made only in accordance with the State budget or by budget amendment.

(f) The Council shall adopt regulations for the grant process and the oversight of grants made by the Council.

[Previous][Next]

§5–601.

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

(b) "Ammunition" has the meaning stated in § 5–133.1 of this title.

(c) "Extreme risk protective order" means a civil interim, temporary, or final protective order issued in accordance with this subtitle.

(d) "Firearm" has the meaning stated in § 5–101 of this title.

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

(2) "Petitioner" includes:

(i) a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual;

(ii) a law enforcement officer;

(iii) the spouse of the respondent;

(iv) a cohabitant of the respondent;

(v) a person related to the respondent by blood, marriage, or adoption;

(vi) an individual who has a child in common with the respondent;

(vii) a current dating or intimate partner of the respondent; or

(viii) a current or former legal guardian of the respondent.

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

§5–602.

(a) (1) A petition for an extreme risk protective order shall:

(i) be signed and sworn to by the petitioner under the penalty of perjury;

(ii) include any information known to the petitioner that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm;

(iii) set forth specific facts in support of the information described in item (ii) of this paragraph;

(iv) explain the basis for the petitioner's knowledge of the supporting facts, including a description of the behavior and statements of the respondent or any other information that led the petitioner to believe that the respondent presents an immediate and present danger of causing personal injury to the respondent or others;

(v) describe the number, types, and location of any known firearms believed to be possessed by the respondent; and

(vi) include any supporting documents or information regarding:

1. any unlawful, reckless, or negligent use, display, storage, possession, or brandishing of a firearm by the respondent;

2. any act or threat of violence the respondent made against the respondent or against another, whether or not the threat of violence involved a firearm;

3. any violation by the respondent of a protective order under Title 4, Subtitle 5 of the Family Law Article;

4. any violation by the respondent of a peace order under Title 3, Subtitle 15 of the Courts Article; and

5. any abuse of a controlled dangerous substance or alcohol by the respondent, including any conviction for a criminal offense involving a controlled dangerous substance or alcohol.

(2) A petition for an extreme risk protective order may include, to the extent disclosure is not otherwise prohibited, health records or other health information concerning the respondent.

(b) A petitioner seeking an extreme risk protective order under this subtitle may file a petition with:

(1) the District Court; or

(2) when the Office of the District Court Clerk is closed, a District Court commissioner.

(c) (1) All court records relating to a petition for an extreme risk protective order made under this subtitle are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown.

(2) This subsection does not prohibit review of a court record relating to a petition by:

(i) personnel of the court;

(ii) the respondent or counsel for the respondent;

(iii) authorized personnel of the Maryland Department of Health;

(iv) authorized personnel of a local core service agency or local behavioral health authority;

(v) a law enforcement agency; or

(vi) a person authorized by a court order on good cause shown.

(d) A petitioner who, in good faith, files a petition under this subtitle is not civilly or criminally liable for filing the petition.

(e) Nothing in this subtitle may be interpreted to require a health care provider to disclose health records or other health information concerning a respondent except:

(1) in accordance with a subpoena directing delivery of the records or information to the court under seal; or

(2) by order of the court.

[Previous][Next]

[Previous][Next]

§5–603.

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

(2) In determining whether to enter an interim extreme risk protective order under this section, the commissioner shall consider:

(i) all relevant evidence presented by the petitioner; and

(ii) the amount of time that has elapsed since any of the events described in the petition.

(3) The interim extreme risk protective order shall:

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

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

(4) If, based on the petition, the commissioner finds probable cause to believe that the respondent meets the requirements for emergency evaluation under Title 10, Subtitle 6 of the Health – General Article, the commissioner shall refer the respondent to law enforcement for a determination of whether the respondent should be taken for an emergency evaluation.

(b) (1) (i) An interim extreme risk protective order shall state the date, time, and location for a temporary extreme risk protective order hearing and a tentative date, time, and location for a final extreme risk protective order hearing.

(ii) Except as provided in subsection (e) of this section, or unless the judge continues the hearing for good cause, a temporary extreme risk protective order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim extreme risk protective order.

(2) An interim extreme risk protective order shall include in at least 10 point bold type:

(i) notice to the respondent that:

1. the respondent must give the court written notice of each change of address;

2. if the respondent fails to appear at the temporary extreme risk protective order hearing or any later hearing, the respondent may be served with any orders or notices in the case by first–class mail at the respondent's last known address;

3. the date, time, and location of the final extreme risk protective order hearing is tentative only and subject to change;

4. if the respondent does not attend the temporary extreme risk protective order hearing, the respondent may call the Office of the District Court Clerk at the number provided in the order to find out the actual date, time, and location of any final extreme risk protective order hearing; and

5. if the respondent fails to appear at the final extreme risk protective order hearing, a final extreme risk protective order may be entered in the respondent's absence and served on the respondent by first–class mail;

(ii) a statement that the respondent may consult an attorney regarding any matter related to the order, and that an attorney should be contacted promptly so that the attorney may assist the respondent;

(iii) a statement specifying the contents and duration of a temporary extreme risk protective order;

(iv) notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary extreme risk protective order prohibiting the respondent from possessing a firearm or may deny the petition, whether or not the respondent is in court;

(v) notice of:

1. the requirements for surrendering firearms and ammunition in the respondent's possession to law enforcement authorities; and

2. the process for reclaiming firearms and ammunition on the expiration or termination of the order;

(vi) a warning to the respondent that violation of an interim extreme risk protective order is a crime and that a law enforcement officer will arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated a provision of the interim extreme risk protective order; and

(vii) the phone number of the Office of the District Court Clerk.

(c) Whenever a commissioner issues an interim extreme risk protective order, the commissioner shall:

(1) immediately forward a copy of the petition and interim extreme risk protective order to the appropriate law enforcement agency for service on the respondent; and

(2) before the hearing scheduled for the temporary extreme risk protective order, transfer the case file to the clerk of court.

(d) A law enforcement officer shall:

(1) immediately on receipt of an interim extreme risk protective order, serve it on the respondent named in the order;

(2) make a return of service to the clerk of court; and

(3) within 2 hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

(e) (1) Except as provided in paragraph (2) of this subsection, an interim extreme risk protective order shall be effective until the earlier of:

(i) the temporary extreme risk protective order hearing under § 5–604 of this subtitle; or

(ii) the end of the second business day the Office of the District Court Clerk is open following the issuance of the interim extreme risk protective order.

(2) If the court is closed on the day on which the interim extreme risk protective order is due to expire, the interim extreme risk protective order shall be

effective until the next day on which the court is open, at which time the court shall hold a temporary extreme risk protective order hearing.

[Previous][Next]

Article - Public Safety

[Previous][Next]

§5–604.

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

(2) In determining whether to enter a temporary extreme risk protective order under this section, the judge shall consider:

(i) all relevant evidence presented by the petitioner; and

(ii) the amount of time that has elapsed since any of the events described in the petition.

(3) The temporary extreme risk protective order shall:

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

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

(4) If the judge finds probable cause to believe that the respondent meets the requirements for emergency evaluation under Title 10, Subtitle 6 of the Health – General Article, the judge shall refer the respondent for emergency evaluation.

(b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer shall:

(i) immediately serve the temporary extreme risk protective order on the respondent under this section; and

(ii) within 2 hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

(2) A respondent who has been served with an interim extreme risk protective order under § 5–603 of this subtitle shall be served with the temporary extreme risk protective order in open court or, if the respondent is not present at the temporary extreme risk protective order hearing, by first–class mail at the respondent's last known address.

(3) There shall be no cost to the petitioner for service of the temporary extreme risk protective order.

(c) (1) Except as otherwise provided in this subsection, the temporary extreme risk protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary extreme risk protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) If the court is closed on the day on which the temporary extreme risk protective order is due to expire, the temporary extreme risk protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final extreme risk protective order hearing.

(d) The judge may proceed with a final extreme risk protective order hearing instead of a temporary extreme risk protective order hearing if:

(1) (i) the respondent appears at the hearing;

(ii) the respondent has been served with an interim extreme risk protective order; or

(iii) the court otherwise has personal jurisdiction over the respondent; and

(2) the petitioner and the respondent expressly consent to waive the temporary extreme risk protective order hearing.

[Previous][Next]

§5–605.

(a) A respondent under § 5–604 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final extreme risk protective order.

(b) (1) (i) The temporary extreme risk protective order shall state the date and time of the final extreme risk protective order hearing.

(ii) Except as provided in § 5–604(c) of this subtitle and subparagraph (iii) of this paragraph, or unless continued for good cause, the final extreme risk protective order hearing shall be held not later than 7 days after the temporary extreme risk protective order is served on the respondent.

(iii) On request of the respondent, a final extreme risk protective order hearing may be rescheduled for a date not later than 30 days after the date on which the hearing was initially scheduled.

(2) The temporary extreme risk protective order shall include notice to the respondent:

(i) in at least 10 point bold type, that if the respondent fails to appear at the final extreme risk protective order hearing, a final extreme risk protective order may be entered in the respondent's absence and the respondent may be served by first–class mail at the respondent's last known address with the final extreme risk protective order and all other notices concerning the final extreme risk protective order;

(ii) of the contents of a final extreme risk protective order;

(iii) that the final extreme risk protective order shall be effective for the period stated in the order, not to exceed 1 year, unless the judge extends the term of the order under § 5–606(a)(2) of this subtitle;

(iv) that the respondent may consult an attorney regarding any matter related to the order, and that an attorney should be contacted promptly so that the attorney may assist the respondent;

(v) of the requirements for surrendering firearms and ammunition in the respondent's possession to law enforcement authorities;

(vi) of the process for reclaiming firearms and ammunition on the expiration or termination of the order; and

(vii) in at least 10 point bold type, that the respondent must notify the court in writing of any change of address.

(c) (1) If the respondent appears before the court at a final extreme risk protective order hearing or has been served with an interim or temporary extreme risk protective order or if the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final extreme risk protective order hearing; and

(ii) may enter a final extreme risk protective order to prohibit the respondent from possessing a firearm if the judge finds by clear and convincing evidence that the respondent poses a danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm.

(2) In determining whether to enter a final extreme risk protective order under this section, the judge shall consider:

(i) all relevant evidence presented by the petitioner and respondent; and

(ii) the amount of time that has elapsed since any of the events described in the petition.

(3) The final extreme risk protective order shall:

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

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

(4) If the judge finds probable cause to believe that the respondent meets the requirements for emergency evaluation under Title 10, Subtitle 6 of the Health – General Article, the judge may refer the respondent for emergency evaluation.

(d) (1) Before granting, denying, or modifying a final extreme risk protective order under this section, the court may review all relevant open and

shielded court records involving the petitioner and the respondent, including records of proceedings under:

(i) the Criminal Law Article;

(ii) Title 3, Subtitle 15 of the Courts Article;

(iii) Title 4, Subtitle 5 of the Family Law Article;

(iv) Title 10, Subtitle 6 of the Health – General Article; and

(v) this article.

(2) The court's failure to review records under this subsection does not affect the validity of an order issued under this section.

(e) (1) A copy of the final extreme risk protective order shall be served on the petitioner, the respondent, the appropriate law enforcement agency, and any other person the judge determines is appropriate in open court or, if the person is not present at the final extreme risk protective order hearing, by first–class mail to the person's last known address.

(2) (i) A copy of the final extreme risk protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final extreme risk protective order.

(ii) Service is complete on mailing.

(f) (1) Except as provided in paragraph (2) of this subsection, all relief granted in a final extreme risk protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) A subsequent circuit court order pertaining to any of the provisions included in the final extreme risk protective order shall supersede those provisions in the final extreme risk protective order.

[Previous][Next]

§5–606.

(a) (1) A final extreme risk protective order may be modified or rescinded during the term of the extreme risk protective order after:

(i) giving notice to all affected persons and the respondent; and

(ii) a hearing.

(2) For good cause shown, a judge may extend the term of a final extreme risk protective order for 6 months beyond the period specified in § 5–605(f) of this subtitle after:

(i) giving notice to all affected persons and the respondent; and

(ii) a hearing.

(3) (i) If, during the term of a final extreme risk protective order, a petitioner files a motion to extend the term of the order under paragraph (2) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.

(ii) If the hearing on the motion is scheduled after the original expiration date of the final extreme risk protective order, the court shall extend the order and keep the terms of the order in full force and effect until the hearing on the motion.

(b) (1) If a District Court judge grants or denies a petition filed under this subtitle, a respondent or a petitioner may appeal to the circuit court for the county in which the District Court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court not later than 60 days after the date the appeal is filed.

(3) (i) If an appeal is filed under this subsection, the District Court judgment shall remain in effect until superseded by a judgment of the circuit court.

(ii) Unless the circuit court orders otherwise, modification or enforcement of the District Court order shall be by the District Court.

[Previous][Next]

§5–607.

In accordance with the provisions of § 1–203 of the Criminal Procedure Article, on application by a State's Attorney or a law enforcement officer with probable cause to believe that a respondent who is subject to an extreme risk protective order possesses a firearm and failed to surrender the firearm in accordance with the order, a court may issue a search warrant for the removal of the firearm at any location identified in the application for the warrant.

§5–608.

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

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

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

(iii) retain a copy of the receipt; and

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

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

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

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

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

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

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

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

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

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

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

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

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

1. a licensed firearms dealer; or

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

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

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

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

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

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

(d) If an individual other than the respondent claims ownership of a firearm or ammunition seized or surrendered in accordance with an extreme risk protective order, the law enforcement agency shall return the firearm or ammunition to the individual if:

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

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

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

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

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

[Previous][Next]

§5–609.

(a) An interim extreme risk protective order, temporary extreme risk protective order, and final extreme risk protective order issued under this subtitle shall state that a violation of the order may result in:

(1) criminal prosecution; and

(2) imprisonment or fine or both.

(b) A temporary extreme risk protective order and final extreme risk protective order issued under this subtitle shall state that a violation of the order may result in a finding of contempt.

§5–610.

(a) A person who fails to comply with the provisions of an interim extreme risk protective order, a temporary extreme risk protective order, or a final extreme risk protective order under this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) for a first offense, a fine not exceeding $1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding $2,500 or imprisonment not exceeding 1 year or both.

(b) A law enforcement officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final extreme risk protective order in effect at the time of the violation.

§5–701.

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

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

(c) "Federally licensed firearms dealer" means a person licensed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to deal in firearms.

(d) "Federally licensed firearms importer" means a person licensed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to import firearms.

(e) "Federally licensed firearms manufacturer" means a person licensed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives to manufacture firearms.

(f) "Firearm" has the meaning stated in § 5–101 of this title.

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

(h) "Unfinished frame or receiver" means a forged, cast, printed, extruded, or machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm.

§5–702.

This subtitle does not apply to:

(1) a firearm that:

(i) was manufactured before October 22, 1968; or

(ii) is an antique firearm;

(2) a sale, an offer to sell, a transfer, or a delivery of a firearm or an unfinished frame or receiver to, or possession of a firearm or unfinished frame or receiver by:

(i) a federally licensed firearms dealer;

(ii) a federally licensed firearms manufacturer; or

(iii) a federally licensed firearms importer; or

(3) a transfer or surrender of a firearm or an unfinished frame or receiver to a law enforcement agency.

§5–703.

(a) (1) A person may not purchase, receive, sell, offer to sell, or transfer an unfinished frame or receiver unless it is required by federal law to be, and has been, imprinted with a serial number by a federally licensed firearms manufacturer or federally licensed firearms importer in compliance with all federal laws and regulations applicable to the manufacture and import of firearms.

(2) Except as provided in paragraph (1) of this subsection, a person may not sell, offer to sell, or transfer a firearm unless it is imprinted with a serial number as described under subsection (b) of this section.

(b) (1) This subsection does not apply to:

(i) possession of a firearm unless a person knew or reasonably should have known that the firearm was not imprinted with a serial number as described under this subsection;

(ii) possession of a firearm that does not comply with the marking requirements described under this subsection by a person who received the firearm through inheritance, and is not otherwise prohibited from possessing the firearm, for a period not exceeding 30 days after inheriting the firearm; or

(iii) possession of an unfinished frame or receiver by a person that made or manufactured the unfinished frame or receiver, without the use of any prefabricated parts, and who is not otherwise prohibited from possessing the unfinished frame or receiver, for a period not exceeding 30 days after the person made or manufactured the unfinished frame or receiver.

(2) On or after March 1, 2023, a person may not possess a firearm unless:

(i) the firearm is required by federal law to be, and has been, imprinted by a federally licensed firearms manufacturer, federally licensed firearms importer, or other federal licensee authorized to provide marking services, with a serial number in compliance with all federal laws and regulations applicable to the manufacture and import of firearms; or

(ii) the firearm:

1. has been imprinted by a federally licensed firearms dealer, federal firearms manufacturer, or other federal licensee authorized to provide marking services, with:

A. the zip code of the current owner or person that made, completed, or initially assembled the firearm;

B. the initials of the current owner or person that made, completed, or initially assembled the firearm; and

C. a number that does not match a number used by the current owner on another firearm or by the person who made, completed, or initially assembled the firearm on any other firearm that the person has made, completed, or initially assembled; and

2. has been registered with the Secretary.

(c) (1) A person who violates subsection (a) of this section is guilty of a misdemeanor and subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(2) A person who violates subsection (b) of this section is guilty of a misdemeanor and subject to imprisonment not exceeding 2 years or a fine not exceeding $10,000 or both.

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

(d) A federally licensed firearms dealer or other federal licensee authorized to provide marking services who imprints a firearm under subsection (b)(2)(ii) of this section shall imprint the firearm in compliance with all federal laws and regulations applicable to affixing serial numbers to firearms, including:

(1) minimum size and depth requirements; and

(2) requirements that the numbers not be readily susceptible to being obliterated, altered, or removed.

[Previous][Next]

§5–704.

(a) The Secretary shall maintain a system to register firearms imprinted with serial numbers under § 5–703(b)(2)(ii) of this subtitle.

(b) Registration data provided for registration is not open to public inspection.

(c) For each fiscal year, the Governor shall include in the annual State budget an appropriation of at least $150,000 to fund registration activities conducted by the Secretary under this section.

§5–705.

The Secretary may adopt regulations to carry out the provisions of this subtitle.

§5–706.

Nothing in this subtitle may be construed in a manner that abridges or otherwise limits a person's right against self–incrimination under the United States Constitution or the Maryland Declaration of Rights.

Public Safety – Title 11 – Explosives

SUBTITLE 1. LICENSES TO ENGAGE IN BUSINESS AS MANUFACTURER OR DEALER OR TO POSSESS EXPLOSIVES

§11–101.

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

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

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

(c) (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:

(i) bombs and destructive devices designed to operate by chemical, mechanical, or explosive action; and

(ii) two or more components that are advertised and sold together with instructions on how to combine the components to create an explosive, as defined in paragraph (1) of this subsection.

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

§11–102.

(a) 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) 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.

[Previous][Next]

§11–103.

The State Fire Prevention Commission may adopt regulations to carry out this subtitle.

[Previous][Next]

[Previous][Next]

§11–104.

(a) (1) The State Fire Marshal may investigate an explosion or fire that occurs in any place where explosives or ingredients for explosives are manufactured, transported, stored, or used.

(2) The State Fire Marshal may investigate an explosion, accident, or fire if there is reason to believe explosives were involved.

(b) The State Fire Marshal may report the findings of an investigation under subsection (a) of this section to federal or State authorities:

(1) if the explosion or fire was a willful act, for criminal prosecution of the person causing the willful act; or

(2) if the explosion or fire was accidental, so that precautions may be taken to prevent similar accidents from occurring.

(c) (1) In an investigation under subsection (a) of this section, the employees under the direction of the State Fire Marshal may enter the premises where the explosion or fire has occurred to:

(i) examine documents; or

(ii) administer oaths to and examine witnesses and other persons concerned.

(2) The owner, lessee, or operator of the premises where the explosion or fire has occurred, or an agent of these persons, may not hinder the actions of an employee of the State Fire Marshal described under paragraph (1) of this subsection.

(d) The State Fire Marshal may collect a fee of $20 for inspection of the vehicle of an explosive hauler.

[Previous][Next]

[Previous][Next]

§11–105.

(a) 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) (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.

(2) The owner or operator of a mine, quarry, or other operation or business that uses explosives, or a contractor who performs work that uses explosives, shall obtain a license to engage in business as a dealer under this subtitle.

(c) 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) (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 multifamily 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.

[Previous][Next]

[Previous][Next]

§11–106.

(a) (1) An applicant for a license to engage in business as a manufacturer or dealer, to possess explosives other than explosives for use in firearms, or to possess explosives for use in firearms, and an applicant for a blaster's permit shall:

(i) submit an application to the State Fire Marshal on the form that the State Fire Marshal provides;

(ii) submit the documents required under this section; and

(iii) pay to the State Fire Marshal the fees required under subsection (d) of this section and the cost of the criminal history records check.

(2) The application form shall require the following information:

(i) the name and address of the applicant;

(ii) the reason for desiring the requested license or permit;

(iii) if the applicant is an individual, the citizenship of the individual;

(iv) if the applicant is a partnership, association, or corporation, the names, addresses, and citizenship of the partners of the partnership or officers and directors of the association or corporation; and

(v) proof of liability insurance in the amount that the State Fire Prevention Commission sets.

(b) As part of the application for a license or permit, the applicant shall submit to the State Fire Marshal the fingerprints required under subsection (e)(3)(i) of this section for each applicant and each officer, agent, or employee of the applicant who will be handling explosives.

(c) As part of the application for a license or permit, the State Fire Marshal shall require the applicant to submit with the application:

(1) the place where the explosives will be stored;

(2) the place where the explosives will be used; and

(3) the specific purpose for using the explosives.

(d) Each application for a license or permit shall be accompanied by the following fee:

(1) license to engage in business as a manufacturer of:

(i) less than 500 pounds of explosives..... $150

(ii) 500 pounds or more of explosives but less than 5,000 pounds..... $300

(iii) 5,000 pounds or more of explosives but less than 10,000 pounds $750

(iv) 10,000 pounds or more of explosives..... $1,500

(2) license to engage in business as a dealer for:

(i) retail only $75

(ii) users..... $150

(iii) wholesale and retail..... $300

(3) license to possess explosives other than for use in firearms $150

(4) license to possess explosives for use in firearms..... $150

(5) storage license for:

(i) Class A - 500 pounds or more of explosives..... $150

(ii) Class B - less than 500 pounds of explosives..... $75

(6) blaster's permit $60

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

(2) The State Fire Marshal shall apply to the Central Repository for a State and national criminal history records check for each applicant and each officer, agent, or employee of the applicant who will be handling explosives.

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

(i) two complete sets of legible fingerprints of each applicant and each officer, agent, or employee of the applicant who will be handling explosives, taken on forms approved by the Central Repository and the Federal Bureau of Investigation;

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

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

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the State Fire Marshal a printed statement of the criminal history record information of the subject of the criminal history records check.

(5) Information obtained from the Central Repository under this subsection:

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

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

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

[Previous][Next]

§11–107.

(a) The State Fire Marshal shall issue a license or permit to each applicant who meets the requirements of this subtitle.

(b) Subject to subsection (c) of this section, the State Fire Marshal shall deny an application for a license or permit if the State Fire Marshal finds that:

(1) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is not sufficiently experienced and will not work under satisfactory supervision in manufacturing, dealing in, or handling of explosives, as applicable;

(2) the applicant lacks suitable facilities for manufacturing, dealing in, or handling explosives;

(3) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been convicted of a felony or crime involving violence;

(4) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is disloyal to the United States or has renounced United States citizenship;

(5) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, will use the explosives for an illegal purpose;

(6) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is a fugitive as defined in § 9–401 of the Criminal Law Article;

(7) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been adjudicated substantially cognitively impaired as defined in § 3–301 of the Criminal Law Article;

(8) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been committed to a mental institution;

(9) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been dishonorably discharged from the United States military;

(10) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is an alien other than an alien authorized to receive explosives under the federal Safe Explosives Act;

(11) the applicant, or an officer, agent, or employee of the applicant who will

be handling explosives, is a user of, or addicted to, a controlled dangerous substance as defined in § 5–101 of the Criminal Law Article;

(12) the application contains false information; or

(13) the application fails to provide required information.

(c) (1) An applicant for a license to possess explosives for use in firearms need not have sufficient experience in handling explosives or work under satisfactory supervision in handling explosives.

(2) An applicant for a license to possess explosives to be used for agricultural purposes need not:

(i) have sufficient experience in handling explosives or work under satisfactory supervision in handling explosives; or

(ii) have suitable facilities for handling explosives.

(d) Before a license or permit may be issued under this subtitle to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the State Fire Marshal:

(1) a certificate of compliance with the Maryland Workers' Compensation Act; or

(2) the number of a workers' compensation insurance policy or binder.

(e) On issuance of a license or permit under this section, the State Fire Marshal shall notify:

(1) the fire chief or fire administrator in the county where the license or permit was issued; or

(2) if the county does not have a county fire chief or fire administrator, the local 9-1-1 center.

[Previous][Next]

[Previous][Next]

§11–108.

A license to engage in business as a dealer authorizes the licensee to store 1.4 G fireworks and 1.3 G display fireworks at approved locations in storage buildings approved by the State Fire Marshal or the local authority with jurisdiction over local fire prevention codes.

[Previous][Next]

[Previous][Next]

§11–109.

A license issued under this subtitle expires on the third anniversary of its effective date unless sooner revoked.

[Previous][Next]

[Previous][Next]

§11–110.

(a) The owner or operator of a mine, quarry, or other operation or business that uses explosives, or a contractor who performs work that uses explosives, required to obtain a license to engage in business as a dealer under this subtitle:

(1) may issue or sell to each employee only the amount of explosives as is reasonably required by that employee to perform the employee's duties;

(2) shall ensure that any explosives issued or sold to an employee are not taken by the employee to a place not necessary for the employee to perform the employee's duties; and

(3) shall ensure that any unused explosives are returned to the owner, operator, or contractor on termination of the work for which the explosives were issued or sold to the employee.

(b) Regardless of whether the owner, operator, or contractor has obtained a license to engage in business as a dealer, an employee of the owner, operator, or contractor need not obtain a license to possess explosives other than explosives for use in firearms in order to possess explosives issued or sold to the employee by the owner, operator, or contractor.

[Previous][Next]

[Previous][Next]

§11–111.

A license issued under this subtitle may be revoked by the State Fire Marshal for:

(1) a ground specified under § 11-107 of this subtitle for denying an application for a license; or

(2) a violation of regulations adopted by the State Fire Prevention Commission to regulate the use, handling, and storage of explosives.

[Previous][Next]

[Previous][Next]

§11–112.

(a) (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) (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.

[Previous][Next]

§11–113.

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.

[Previous][Next]

§11–114.

(a) 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) 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) 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.

(d) The owner or operator of a mine, quarry, or other operation that uses explosives, and a contractor performing work that uses explosives, may not engage in business as a dealer in the State unless the person is licensed under this subtitle.

(e) An employee of an owner or operator of a mine, quarry, or other operation that uses explosives, or of a contractor performing work that uses explosives, may not possess explosives in a place not necessary for the employee to perform the employee's duties unless the employee is licensed to possess explosives under this subtitle.

(f) A person may not violate a regulation adopted under this subtitle.

(g) 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.

[Previous][Next]

[Previous][Next]

§11–115.

(a) (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 multifamily dwellings, apartments, dormitories, hotels, schools or other public buildings, or buildings or structures open for public use.

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

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

(e) 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.

[Previous][Next]

[Previous][Next]

§11–116.

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

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

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

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

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

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

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

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

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

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

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

(x) § 8–713.1, § 8–724.1, § 8–725.5, § 8–725.6, § 8–726.1, § 8–738.2, § 8–740.1, or § 10–411(a) or (d), as it relates to Harford County, of the Natural Resources Article;

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

(xii) § 6–301 or § 33–2503 of the Alcoholic Beverages Article;

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

(xiv) § 4–103 of the Code of Public Local Laws of Carroll County; or

(xv) § 8A–1 of the Code of Public Local Laws of Talbot County.

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

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

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

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

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

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

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

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

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

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

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

(x) § 8–713.1, § 8–724.1, § 8–725.5, § 8–725.6, § 8–726.1, § 8–738.2, § 8–740.1, or § 10–411(a) or (d), as it relates to Harford County, of the Natural Resources Article;

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

(xii) § 6–301 or § 33–2503 of the Alcoholic Beverages Article;

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

(xiv) § 4–103 of the Code of Public Local Laws of Carroll County; or

(xv) § 8A–1 of the Code of Public Local Laws of Talbot County.

[Previous][Next]

[Previous][Next]

§11–117.

(a) If a person has been convicted of a violation of § 11–114(a) and (b) of this subtitle, or of a violation of §§ 11–115(a) and 11–114(b) of this subtitle, and the convictions arise out of the same transaction, the conviction under § 11–114(a) or § 11–115(a) of this subtitle merges into the conviction under § 11–114(b) of this subtitle.

(b) If a person has been convicted of two or more violations under this subtitle and has been penalized under § 11–114(g), § 11–115(e), or § 11–116 of this subtitle for one violation, the person is not subject to an additional penalty under § 11–116 of this subtitle.

[Previous][Next]

[Previous][Next]

§11–118.

In an action under this subtitle:

(1) the State need not disprove any exception, excuse, proviso, or exemption under this subtitle; and

(2) the burden of proof of an exception, excuse, proviso, or exemption is on the defendant or the holder of any alleged security interest, as the case may be.

[Previous][Next]

Transportation Article – Titles 7 & 8

SUBTITLE 7. MISCELLANEOUS PROVISIONS – MASS TRANSIT

SUBTITLE 8. MISCELLANEOUS PROVISIONS – HIGHWAYS

§7–705.

(a) It is unlawful for any person entering a transit facility or transit vehicle owned or controlled by the Administration for the purpose of obtaining transit service or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service to:

(1) Fail to pay the applicable fare charged by the Administration in the required manner; or

(2) Fail to:

(i) Pay the applicable fare;

(ii) Exhibit proof of payment; or

(iii) Provide truthful identification.

(b) It is unlawful for any person to engage in any of the following acts in any transit vehicle or transit facility, designed for the boarding of a transit vehicle, which is owned or controlled by the Administration or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service:

(1) Expectorate;

(2) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

(3) Consume food or drink, or carry any open food or beverage container;

(4) Discard litter, except into receptacles designated for that purpose;

(5) Play or operate any radio, cassette, cartridge, tape player, or similar electronic device or musical instruments, unless such device is connected to an earphone that limits the sound to the hearing of the individual user;

(6) Carry or possess any explosives, acids, concealed weapons or other dangerous articles;

(7) Carry or possess any live animals, except seeing–eye animals and hearing–ear animals properly harnessed and accompanied by a blind person or a deaf person, and small animals properly packaged;

(8) Board any transit vehicle through the rear exit door, unless so directed by an employee or agent of the Maryland Transit Administration;

(9) Urinate or defecate, except in restrooms;

(10) Fail to move to the rear of any transit vehicle when requested to do so by the operator or a police officer;

(11) Fail to vacate a seat designated for the elderly or handicapped when requested to do so by the transit vehicle operator, train conductor, or a police officer; or

(12) Except by contract with the Administration, solicit the purchase of any goods or services.

(c) As used in this section, "elderly and handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable to use transit facilities and transit services or railroad facilities and railroad services as effectively as a person who is not so affected.

(d) The provisions of subsection (b)(3), (5), (8), and (12) of this section do not apply to charter bus service rendered by the Administration. The provisions of subsection (b)(2) and (12) of this section do not apply to excursion train service rendered by the Administration or by a railroad company under contract to the Administration. The provisions of subsection (b)(3) of this section do not apply to any railroad service rendered by the Administration or by a railroad company under contract to the Administration.

(e) Except as provided in subsection (f) of this section, any person who violates any provision of this section is guilty of a misdemeanor and is subject to a fine of not more than $500 for each offense.

(f) (1) It is unlawful for any person to obstruct, hinder, or interfere with:

(i) The operation or operator of a transit vehicle or railroad passenger car; or

§8–204.

(a) In addition to the specific powers granted and duties imposed by this title, the Administration has the powers and duties set forth in this section.

(b) The Administration may adopt rules and regulations to carry out the provisions of this title.

(c) (1) The Administration shall:

(i) Determine and may change from time to time the location, construction, geometrics, design, and maintenance of the State highway system; and

(ii) 1. If there is a State highway within the limits of an area that a local government has designated as a bicycle and pedestrian priority area, make a determination on whether the Administration should also designate the area as a bicycle and pedestrian priority area:

A. On or before September 30, 2016, if the local government notified the Administration of its designation on or before September 30, 2015; or

B. Within 1 year of notification, if the local government notifies the Administration of its designation on or after October 1, 2015; and

2. If the Administration and a local government each designate an area as a bicycle and pedestrian priority area, implement a plan developed in cooperation with the local government to increase safety and access for bicycle or pedestrian traffic.

(2) If there is no State highway within the limits of the bicycle and pedestrian priority area, the plan shall be developed by the local government.

(3) A plan for traffic management in a bicycle and pedestrian priority area shall provide for:

(i) Appropriate changes to the location, construction, geometrics, design, and maintenance of the State highway system to increase safety and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area; and

(ii) The appropriate use of traffic control devices including pedestrian control signals, traffic signals, stop signs, and speed bumps.

(d) The Administration may consult, confer, and contract with any agency or representative of the federal government, this State, or any other state or with any other person in furtherance of the duties of the Administration and the purposes of this title.

(e) (1) Subject to § 2-103.4 of this article, the Administration may employ engineers, accountants, professional and technical experts, surveyors, skilled and unskilled laborers, advisors, consultants, and any other agents and employees that it considers necessary to carry out its powers and duties.

(2) Any employee of the Administration may be bonded under Title 9, Subtitle 17 of the State Government Article.

(3) The Administration may determine the compensation of executive management positions, as recommended by the Secretary of Transportation and approved by the Governor, subject to approval in the budget.

(f) The Administration may purchase any machines, tools, implements, appliances, supplies, materials, and working agencies that it considers necessary to carry out any of its powers or duties under this title.

(g) The Administration may rent or lease any offices and other places that it considers necessary to carry out its powers and duties.

(h) By rules or regulations consistent with the safety and welfare of the traveling public, the Administration may govern the control and use of rest areas, scenic overlooks, roadside picnic areas, and other public use areas within State highway rights-of-way.

COMAR 11.04.07.12

.12 Firearms and Fireworks.
The display or discharge of firearms, pellet guns, B-B guns, and fireworks of any kind is prohibited.

[Previous][Next]

Criminal Procedure – Title 6 – Trial and Sentencing

SUBTITLE 2. SENTENCING

§6–234.

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

(2) "Convicted of a disqualifying crime" has the meaning stated in § 5–101 of the Public Safety Article.

(3) "Disqualifying crime" has the meaning stated in § 5–101 of the Public Safety Article.

(4) "Domestically related crime" has the meaning stated in § 6–233 of this subtitle.

(5) "Federally licensed firearm dealer" means a person who holds a federal firearms license issued under 18 U.S.C. § 9–232(a).

(6) "Law enforcement agency" has the meaning stated in § 3–201 of the Public Safety Article.

(7) "Law enforcement official" has the meaning stated in § 4–201 of the Criminal Law Article.

(8) "Regulated firearm" has the meaning stated in § 5–101 of the Public Safety Article.

(9) "Rifle" has the meaning stated in § 4–201 of the Criminal Law Article.

(10) "Shotgun" has the meaning stated in § 4–201 of the Criminal Law Article.

(b) (1) When a defendant has been charged with a disqualifying crime and the underlying facts of that crime would support a finding by the court under § 6–233 of this subtitle that the crime is a domestically related crime, the State's Attorney shall serve written notice on the defendant, the defendant's counsel, and the court that:

(i) the defendant has been charged with a disqualifying crime; and

(ii) under State law, it is illegal for a person who has been convicted of a disqualifying crime to possess or own a regulated firearm, a rifle, or a shotgun.

(2) The State's Attorney shall serve the notice required under paragraph (1) of this subsection prior to trial or the acceptance of a plea of guilty or the equivalent of a plea of guilty.

(c) When a defendant is convicted of or pleads guilty to a disqualifying crime that the court determines to be a domestically related crime, the court shall inform the defendant, both verbally and in a written notice to be signed by the defendant, that the defendant is:

(1) prohibited from possessing a regulated firearm under § 5–133 of the Public Safety Article;

(2) prohibited from possessing a rifle or shotgun under § 5–205 of the Public Safety Article; and

(3) ordered to transfer all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant's possession in accordance with this section.

(d) The court shall order the defendant to transfer all regulated firearms, rifles, and shotguns owned by the defendant or in the defendant's possession in accordance with this section.

(e) (1) A transfer of a regulated firearm, rifle, or shotgun under this section shall be made within 2 business days after the conviction to a State or local law enforcement agency or to a federally licensed firearms dealer.

(2) A person ordered to surrender a regulated firearm, rifle, or shotgun under this section may designate a representative to transfer the firearm to a State or local law enforcement agency or to a federally licensed firearms dealer.

(3) A law enforcement agency or federally licensed firearms dealer accepting a transferred firearm under this section shall issue a written proof of transfer to the person transferring the firearm.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a written proof of transfer described in paragraph (3) of this subsection shall include:

1. the name of the person transferring the firearm;

2. the date the firearm was transferred; and

3. the serial number, make, and model of the firearm.

(ii) For a firearm manufactured before 1968, identifying marks may be substituted for the serial number required under this paragraph.

(f) On application by the State's Attorney or a law enforcement official based on probable cause to believe that the person has failed to surrender one or more regulated firearms, rifles, or shotguns, in accordance with this section, the court may authorize the execution of a search warrant for the removal of any regulated firearm, rifle, or shotgun at any location where the court has probable cause to believe a regulated firearm, rifle, or shotgun owned or possessed by the person is located.

(g) Law enforcement agencies may develop rules and procedures pertaining to the storage and disposal of firearms that are surrendered in accordance with this section.

[Previous][Next]

Natural Resources – Title 10 – Hunting Restrictions

SUBTITLE 4. LOADED FIREARMS IN VEHICLE

§10–410.

(a) (1) (i) The Department may allow a person to hunt on each Sunday of the game bird and game mammal seasons in:

1. Allegany County;

2. Subject to subparagraph (iii) of this paragraph, Calvert County, from 30 minutes before sunrise until 10:30 a.m.;

3. Subject to subparagraph (iii) of this paragraph, Caroline County, from 30 minutes before sunrise until 10:30 a.m.;

4. Cecil County;

5. Subject to subparagraph (iii) of this paragraph, Charles County, from 30 minutes before sunrise until 10:30 a.m.;

6. Subject to subparagraph (iv) of this paragraph, Dorchester County, from 30 minutes before sunrise until 10:30 a.m.;

7. Garrett County;

8. Subject to subparagraph (iii) of this paragraph, Queen Anne's County, from 30 minutes before sunrise until 10:30 a.m.;

9. St. Mary's County;

10. Subject to subparagraph (ii) of this paragraph, Somerset County, from 30 minutes before sunrise until 10:30 a.m.; and

11. Washington County.

(ii) The time restrictions under subparagraph (i)10 of this paragraph do not apply:

1. On each Sunday of the deer firearms season; and

2. On the last three Sundays in October and the first two Sundays in November of the deer bow hunting season.

(iii) The time restrictions under subparagraph (i)2, 3, 5, and 8 of this paragraph do not apply:

1. On each Sunday during the deer firearms season;

2. On the last three Sundays in October and the first two Sundays in November during the deer bow hunting season; and

3. On each Sunday of the spring turkey hunting season.

(iv) The time restrictions under subparagraph (i)6 of this paragraph do not apply:

1. On each Sunday of the deer hunting seasons from the first Sunday in October through the second Sunday in January, inclusive; and

2. On each Sunday of the spring turkey hunting season.

(2) The Department may allow a person to hunt deer on each Sunday of the deer hunting seasons from the first Sunday in October through the second Sunday in January, inclusive, in:

(i) Carroll County; and

(ii) Frederick County.

(3) (i) Subject to subparagraph (ii) of this paragraph, the Department may allow a person to hunt deer on each Sunday of the deer hunting seasons from 30 minutes before sunrise until 10:30 a.m. in:

1. Kent County;

2. Montgomery County; and

3. Talbot County.

(ii) The time restrictions under this paragraph do not apply:

1. To a participant in a junior deer hunt authorized under this subtitle;

2. On one Sunday designated by the Department during the deer firearms season;

3. In Kent County, on each Sunday during the deer bow hunting season and the deer muzzle loader season;

4. In Montgomery County, on one Sunday designated by the Department during the deer bow hunting season; and

5. In Talbot County, on the last three Sundays in October and the first two Sundays in November during the bow hunting season.

(4) The Department may allow a person to hunt deer during the deer firearms season:

(i) On each Sunday in:

1. Harford County; and

2. Worcester County;

(ii) On the first Sunday in Anne Arundel County; and

(iii) In Wicomico County, on:

1. The first Sunday; and

2. The second Sunday from 30 minutes before sunrise until 10:30 a.m.

(5) The Department may allow a person to hunt deer during the deer bow hunting season on:

(i) The last three Sundays in October and the first two Sundays in November in:

1. Harford County;

2. Wicomico County; and

3. Worcester County; and

(ii) The first Sunday in November in Anne Arundel County.

(6) The Department may allow a person to hunt turkey on each Sunday of the spring turkey hunting season in:

(i) Carroll County;

(ii) Kent County; and

(iii) Talbot County, from 30 minutes before sunrise until 10:30 a.m.

(7) Notwithstanding any other provision of this subtitle, the Department may allow a person with a deer management permit to shoot deer on any Sunday throughout the year in accordance with the terms of the permit.

(8) The Department may allow a person using a State certified raptor to hunt game birds or mammals on each Sunday during the open season for the game birds or mammals.

(9) The Department may allow an unarmed person participating in an organized fox chase to chase foxes on Sunday.

(10) The Department may allow a person shooting pen–reared game birds or tower–released flighted mallard ducks to hunt on Sunday at a regulated shooting ground in accordance with § 10–906 of this title.

(11) The Department may allow a person who is 16 years old or younger to hunt on Sunday if participating in a junior hunt established by the Department in accordance with this subtitle.

(12) Except as provided in paragraphs (8) through (10) of this subsection and subject to paragraph (7) of this subsection, a person may not hunt on Sunday in:

(i) Baltimore City;

(ii) Baltimore County;

(iii) Howard County; or

(iv) Prince George's County.

(13) A person may not hunt migratory game birds on Sunday.

(14) A person may not hunt on public land within the State park system on Sunday.

(15) (i) The Department may not allow a person to hunt on public land designated for hunting by the Department on Sunday except in:

1. Allegany County;

2. Cecil County;

3. Garrett County;

4. St. Mary's County;

5. Washington County;

6. Dorchester County, for turkey during the spring turkey hunting season;

7. Frederick County, for deer from the first Sunday in October through the second Sunday in January of the following year, inclusive; and

8. Subject to subparagraph (ii) of this paragraph, Somerset County, on public land leased to a hunt club from 30 minutes before sunrise until 10:30 a.m.

(ii) The time restrictions under subparagraph (i)8 of this paragraph do not apply:

1. On each Sunday of the deer firearms season; and

2. On the last three Sundays in October and the first two Sundays in November of the deer bow hunting season.

(b) A person may not hunt any game bird or mammal, except raccoon and opossum, at nighttime.

(c) (1) A person may not shoot at any species of wildlife from an automobile or other vehicle or, except as provided in § 4–203(b) of the Criminal Law Article and Title 5, Subtitle 3 of the Public Safety Article, possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or chamber.

(2) If this subsection is violated by an occupant of a vehicle which has 2 or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be presumed to be responsible for the violation. In the absence of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible for the violation.

(3) Provisions of this subsection do not apply to a disabled person who obtains a special permit under § 10–307 of this title.

(d) (1) (i) For the purposes of this subsection, "off–road vehicle" means a motorized vehicle designed for or capable of cross–country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

(ii) "Off–road vehicle" includes four–wheel drive or low–pressure tire vehicles, automobiles, trucks, motorcycles and related two–wheel vehicles, amphibious machines, ground–effect or air–cushion vehicles, snowmobiles, boats, farm–type tractors, earth–moving or construction equipment, lawn mowers, snowblowers, garden or lawn tractors, or golf carts.

(2) A person may not pursue wildlife with an off–road vehicle.

(e) (1) A person or 2 or more persons together may not hunt or attempt to hunt at nighttime any species of wild bird or wild quadruped with a light, including the headlights of any vehicle, and a person may not cast the rays of any artificial light when the rays emanate from a vehicle on any woods, fields, orchards, livestock, wild animals or birds, dwellings, or buildings. The provisions of this paragraph do not apply to the normal use of headlights of a vehicle traveling on any public or private road in a normal manner, to any police, emergency or utility company vehicle using spotlights in the performance of their duties, or to any farmer or landowner on the farmer's or landowner's own or leased land using artificial lights to check on the farmer's or landowner's land, crops, livestock, or poultry. However, raccoons, fox, or opossum may be hunted on foot at nighttime during open season with the use of a dog or light, or both.

(2) (i) In Baltimore City and Montgomery and Prince George's counties only, a person may cast the rays of an artificial light from a vehicle on woods, fields, orchards, livestock, wild animals, or wild birds for the sole purpose of observing or photographing wildlife until 9:00 p.m.

(ii) If a person casts the rays of any artificial light under this paragraph, the person has the burden of establishing that the person was doing so for the purposes of observing or photographing wildlife.

(iii) If a person casting artificial light under this paragraph or anyone with the person casting artificial light has a firearm or bow in the person's possession, the person shall be presumed to be in violation of paragraph (1) of this subsection.

(f) A person may not shoot at any species of wildlife on, from, or across any paved public highway or the shoulder of the highway. A person may not shoot from any public highway, whether paved or unpaved, in Kent County and Queen Anne's County or shoot from any public road, whether paved or unpaved, within the boundaries of the Hanover municipal waterworks property in Carroll County.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the "safety zone", of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a public or nonpublic school during school hours or at a time when a school–approved activity is taking place.

(3) (i) For archery hunters in Allegany County, Calvert County, Carroll County, Cecil County, Frederick County, Garrett County, Harford County, Montgomery County, St. Mary's County, or Washington County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(ii) For archery hunters in Anne Arundel County, the safety zone described in paragraph (1) of this subsection extends for 100 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

(5) In Harford County, an archery hunter shall use a tree stand when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(6) In Montgomery County or Washington County, an archery hunter shall be in an elevated position that allows the hunter to shoot in a downward

trajectory when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(h) A person may not dig in or drive a motor vehicle on any cleared field while hunting, except with the permission of the owner, tenant, or other person in charge of the land, or park or leave standing any motor vehicle so that the motor vehicle blocks the means of ingress or egress to any person's property, cattle ways, or fields.

(i) A person may not carry a firearm to hunt any wild bird, mammal, amphibian, or reptile while intoxicated or under the influence of alcohol or any narcotic drug.

(j) (1) A person may not hunt or attempt to hunt wild birds or mammals from an aircraft within the State.

(2) Any person who violates provisions of this subsection is guilty of a misdemeanor and upon conviction is subject to a fine of not more than $1,000 or imprisonment for not more than 6 months or both, with costs imposed in the discretion of the court.

(k) A person may not set any trap, except box traps for rabbits, net, or snare of any description to take any game birds or mammals, except fur–bearing mammals. A trap, net, or snare found in the possession of any person shall be prima facie evidence that the device was used to violate this subsection. A law enforcement officer of the State shall confiscate and destroy the device. A person may not place traps of any description on another person's property without the other person's written permission.

(l) A person may not hunt with any ferret or weasel.

(m) A person may not kill, attempt to kill, or injure by poison wildlife or domestic poultry.

(n) A person may not smoke, burn, injure, hunt, or molest any game birds or mammals in any den or damage or destroy the den of any game bird or mammal.

(o) (1) In Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties, a person may not use, set, place, or maintain any steel jaw leghold trap on land. The steel jaw leghold trap may be used for the capture of fur–bearing mammals in water only.

(2) This subsection does not apply to:

(i) Traps set on farmland by the owner of the farmland, by the owner's agent or tenant, owner's lessee, or by any member of the owner's or tenant's immediate family who resides on the farmland; or

(ii) Traps set by an authorized agent of the Maryland Forest, Park and Wildlife Service who exercises the agent's duties for wildlife control under guidelines established by the Department.

(p) (1) (i) "Snare trap" means a device made of wire, synthetic cord, or other material that:

1. Is in the form of a noose with a slipknot, stop, swivel, or eyelet holes; and

2. Is designed or set with the intent of capturing an animal by the neck.

(ii) "Snare trap" includes:

1. A pole snare;

2. A hanging snare; and

3. A neck snare.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in Anne Arundel, Baltimore, Carroll, Cecil, Harford, Montgomery, and Prince George's counties, a person may not use, sell, possess, set, place, or maintain a snare trap.

(ii) In Anne Arundel County, from July 1, 1990, through June 30, 1992, a person may sell or possess a snare trap.

[Previous][Next]

THIS PAGE INTENTIONALLY BLANK