Chapter 01 Regulated Firearms

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Adjudicated delinquent" means an act that was found to be a delinquent act, as defined in Courts and Judicial Proceedings Article, §3-801(k), Annotated Code of Maryland, at an adjudicatory hearing, as defined in Courts and Judicial Proceedings Article, §3-801(b), Annotated Code of Maryland.

(2) "Ammunition" has the meaning stated in Public Safety Article, §5-133.1(a), Annotated Code of Maryland.

(3) "Antique firearm" has the meaning stated in Criminal Law Article, §4-201(b), Annotated Code of Maryland.

(4) "Assault long gun" has the meaning stated in Criminal Law Article, §4-301(b), Annotated Code of Maryland.

(5) "Assault pistol" has the meaning stated in Criminal Law Article, §4-301(c), Annotated Code of Maryland.

(6) "Assault weapon" has the meaning stated in Criminal Law Article, §4-301(d), Annotated Code of Maryland.

(7) "Central Repository" has the meaning stated in Public Safety Article, §5-117.1(f)(1), Annotated Code of Maryland.

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(8) "Copycat weapon" has the meaning stated in Criminal Law Article, §4-301(d), Annotated Code of Maryland.

(9) "Crime Laboratory" means the Forensic Sciences Division, Department of State Police.

(10) "Crime of violence" has the meaning stated in Public Safety Article, §5-101(c), Annotated Code of Maryland.

(11) "Dealer" has the meaning stated in Public Safety Article, §5-101(d), Annotated Code of Maryland.

(12) "Dealer's license" has the meaning stated in Public Safety Article, §5-101(e), Annotated Code of Maryland.

(13) "Designated law enforcement agency" has the meaning stated in Public Safety Article, §5-101(f), Annotated Code of Maryland.

(14) "Detachable magazine" has the meaning stated in Criminal Law Article, §4-301(f), Annotated Code of Maryland.

(15) "External safety lock" has the meaning stated in Public Safety Article, §5-132(a)(3), Annotated Code of Maryland.

(16) "Firearm" has the meaning stated in Public Safety Article, §5-101(h), Annotated Code of Maryland.

(17) "Firearms Registration Section" means the operational unit of the Licensing Division, Department of State Police that is the primary repository for all files and records relating to the administration of firearms laws and is also responsible for the investigation and processing of:

(a) Applications to purchase or transfer a regulated firearm; and

(b) Applications for a regulated firearms dealer's license.

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(18) "Firearms Safety Training Certificate" means a certificate, letter, or other written documentation verifying satisfactory completion of a Firearms Safety Training Course.

(19) "Firearms Safety Training Course" means a firearms training course that satisfies the requisite minimum requirements of Regulation .29 of this chapter.

(20) "Fugitive from justice" has the meaning stated in Public Safety Article, §5-101(k), Annotated Code of Maryland.

(21) "Gun show" has the meaning stated in Public Safety Article, §5-130(a), Annotated Code of Maryland.

(22) "Habitual drunkard" has the meaning stated in Public Safety Article, §5-101(l), Annotated Code of Maryland.

(23) "Habitual user" of controlled dangerous substances has the meaning stated in Public Safety Article, §5-101(m), Annotated Code of Maryland.

(24) "Handgun" has the meaning stated in Public Safety Article, §5-101(n), Annotated Code of Maryland.

(25) "Handgun Qualification License" has the meaning stated in Public Safety Article, §5-101(o), Annotated Code of Maryland.

(26) "Integrated mechanical safety device" has the meaning stated in Public Safety Article, §5-132(a)(6), Annotated Code of Maryland.

(27) "Manufacturer" has the meaning stated in Public Safety Article, §5-131(a)(2), Annotated Code of Maryland.

(28) "Mental disorder" has the meaning stated in Health—General Article, §10-101(f), Annotated Code of Maryland.

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(29) “Mental health facility” has the meaning stated in Health—General Article, §10-101(e), Annotated Code of Maryland.

(30) “Minor” has the meaning stated in Criminal Law Article, §1-101(g), Annotated Code of Maryland.

(31) “Pepper mace” has the meaning stated in Public Safety Article, §5-134(d)(1)(ii)(3), Annotated Code of Maryland.

(32) “Permit” has the meaning stated in Public Safety Article, §5-301(d), Annotated Code of Maryland.

(33) “Person” has the meaning stated in Public Safety Article, §1-101(c), Annotated Code of Maryland.

(34) “Projectile” has the meaning stated in Public Safety Article, §5-131(a)(3), Annotated Code of Maryland.

(35) “Qualified Handgun Instructor” has the meaning stated in Public Safety Article, §5-101(q), Annotated Code of Maryland.

(36) “Qualified Handgun Instructor License” means a license issued by the Secretary in accordance with Regulation .38 of this chapter, certifying a person’s ability to instruct firearms training courses as a Qualified Handgun Instructor.

(37) “Regulated firearm” has the meaning stated in Public Safety Article, §5-101(r), Annotated Code of Maryland.

(38) “Rent” has the meaning stated in Public Safety Article, §5-101(s), Annotated Code of Maryland.

(39) “Rifling characteristics” means the number of lands and grooves in the barrel of a handgun, including right or left twist.

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(40) "Secondary sale" has the meaning stated in Public Safety Article, §5-101(t), Annotated Code of Maryland.

(41) "Secretary" has the meaning stated in Public Safety Article, §5-101(u), Annotated Code of Maryland.

(42) "Seller" means a person who is selling, renting, or transferring a regulated firearm through a secondary sale.

(43) "Shell casing" has the meaning stated in Public Safety Article, §5-131(a)(4), Annotated Code of Maryland.

(44) "Straw purchase" has the meaning stated in Public Safety Article, §5-101(v), Annotated Code of Maryland.

.02 Generally.

A. This chapter restricts the sale, rental, transfer, purchase, receipt, possession, and transport of regulated firearms and assault weapons in the State.

B. A dealer or other person may not:

(1) Sell, rent, transfer, purchase, receive, or possess a regulated firearm in violation of this chapter;

(2) Participate in a straw purchase in violation of this chapter;

(3) Transport a regulated firearm into the State for the purpose of unlawfully selling or trafficking the regulated firearm; or

(4) Obliterate, remove, change, or alter the manufacturer's identification mark or number on a firearm.

C. Except as provided in §D or E of this regulation, a person may not:

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(1) Possess, sell, offer to sell, transfer, purchase, or receive an assault weapon in the State; or

(2) Transport an assault weapon into the State.

D. The prohibitions in §C of this regulation do not apply to:

(1) Personnel of the United States government or an agency or department of the United States while acting within the scope of official business;

(2) A railroad police officer, authorized under 49 U.S.C. §28101 or Public Safety Article, Title 3, Annotated Code of Maryland, while acting within the scope of official business;

(3) Possession, purchase, sale, manufacture, receipt for manufacture, shipment for manufacture, importation, and transport to or by a licensed firearms dealer or manufacturer who is:

(a) Providing or servicing an assault weapon or detachable magazine for a law enforcement unit or for personnel exempt under §D(1) or (2) of this regulation;

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

(c) 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; or

(4) Receipt and possession of an assault weapon or detachable magazine by inheritance, in accordance with Regulation .10 of this chapter, if the decedent lawfully possessed the assault weapon and the person inheriting the assault weapon or detachable magazine is not otherwise prohibited from possessing a regulated firearm;

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(5) Receipt of an assault weapon or detachable magazine by a personal representative of an estate for the purposes of exercising the representative's powers and duties, if the representative is not otherwise prohibited from possessing a firearm;

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

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

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

(7) 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 Public Safety Article, Title 5, Subtitle 3, Annotated Code of Maryland;

(8) Possession, receipt, transfer, and shipping to or from:

(a) An ISO 17025 accredited ballistics-testing laboratory approved by the National Institute of Justice; or

(b) A facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems; or

(9) Possession or transport by an individual who lawfully possessed the assault pistol before June 1, 1994, if it was registered with the Secretary before August 1, 1994;

(10) Possession or transport by individual who lawfully possessed, had a purchase order for, or completed an application to purchase the assault long gun or copycat weapon before October 1, 2013; or

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(11) Possession, sale, offer for sale, or transfer by a dealer of an assault long gun or a copycat weapon that the dealer lawfully possessed on or before October 1, 2013.

E. This chapter does not apply to:

(1) The sale, transfer, or possession of an antique firearm;

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

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

(5) Members of the armed forces of the United States or the National Guard while acting within the scope of their official duties;

(6) A sale, rental, transfer, or 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:

(a) An official police force or other law enforcement agency;

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

(c) The Maryland National Guard;

(7) Purchases, sales, and transportation to or by a federally licensed firearm manufacturer, dealer, or importer;

(8) The transfer or possession of a regulated firearm or detachable magazine by a federally licensed firearm manufacturer, dealer, or importer for testing or experimentation authorized by the Secretary;

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

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

F. Unless exempted pursuant to §D or E of this regulation, an assault pistol possessed in this State shall be registered with the Secretary on or before August 1, 1994. An assault pistol is presumed to be properly registered with the Secretary if it was purchased before June 1, 1994, and an application to purchase a regulated firearm was properly completed.

G. A regulated firearm or assault weapon that is sold, rented, transferred, purchased, received, possessed, or transported in violation of this chapter may be seized as contraband and disposed of by a law enforcement agency.

(1) An assault weapon seized as contraband shall be disposed of as follows:

(a) Turned over to the Secretary for disposal;

(b) Destroyed by the law enforcement agency that seized the assault weapon; or

(c) Retained for law enforcement purposes by the law enforcement agency that seized the assault weapon.

(2) An assault weapon seized as contraband may not be sold or rented.

H. This chapter supersedes any restriction that a local jurisdiction in the State imposes on the sale, transfer, or possession of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the sale of a regulated firearm.

Cross References

29.03.01.07B(3)

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.03 Possession.

A. A person may not possess a regulated firearm if the person:

(1) Is a habitual drunkard;

(2) Is addicted to or a habitual user of a controlled dangerous substance;

(3) Is a fugitive from justice;

(4) Has been convicted of:

(a) A crime of violence;

(b) Any violation classified as a felony in this State;

(c) Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; or

(d) Any violation classified as a common law offense where the person received a term of imprisonment of more than 2 years; or

(5) Has received probation before judgment for a crime of violence, except for assault in the second degree or a case in which a person received probation before judgment for a disqualifying crime and that crime was expunged under Criminal Procedure Article, Title 10, Subtitle 1, Annotated Code of Maryland;

(6) Has received probation before judgment for a domestically related crime, as defined in Criminal Procedure Article, §6-233, Annotated Code of Maryland, except when the crime was expunged under Criminal Procedure Article, Title 10, Subtitle 1, Annotated Code of Maryland;

(7) Has been found not criminally responsible under Criminal Procedure Article, §3-110, Annotated Code of Maryland;

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(8) Has been found incompetent to stand trial under Criminal Procedure Article, §3-106, Annotated Code of Maryland;

(9) Has a mental health disorder and a history of violent behavior;

(10) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility;

(11) Has been involuntarily admitted to a mental health facility;

(12) Is under the protection of a guardian appointed by a court under Estates of Trusts Article, §13-201(c) or 13-705, Annotated Code of Maryland, unless the appointment of the guardian was solely a result of a physical disability;

(13) Is a respondent against whom a current non ex parte civil protection order has been entered under Family Law Article, §4-506, Annotated Code of Maryland;

(14) Is a respondent against whom an order for protection, as defined in Family Law Article, §4-508.1, Annotated Code of Maryland, has been issued by a court of another state or a Native American tribe and is in effect;

(15) Is younger than 30 years old and has been adjudicated delinquent by a juvenile court for committing an act that would be:

(a) A crime of violence if committed by an adult;

(b) A violation classified as a felony in this State if committed by an adult; or

(c) A violation classified as a misdemeanor in this State that carries a statutory penalty of more than two years if committed by an adult; or

(16) Is prohibited from otherwise possessing a firearm by federal or State law.

B. A person younger than 21 years old may not possess a regulated firearm unless the person is not otherwise prohibited from possessing a regulated firearm and is:

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(1) A member of the armed forces of the United States or the National Guard and is performing official duties;

(2) Required to possess a regulated firearm for employment purposes and holds a valid permit under Public Safety Article, Title 5, Subtitle 3, Annotated Code of Maryland;

(3) Temporarily transferring or possessing a regulated firearm or ammunition and is:

(a) Under the supervision of another who is at least 21 years old or older and who is not prohibited by federal or State law from possessing a firearm; and

(b) Acting with the permission of the parent or legal guardian of the person;

(4) Temporarily transferring or possessing a regulated firearm or ammunition and is:

(a) Participating in marksmanship training of a recognized organization; and

(b) Under the supervision of a qualified instructor; or

(5) Possessing the firearm for self-defense or the defense of others against a trespasser into the person's residence or a residence in which the person is an invited guest.

C. This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protection 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 protection order; and

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

D. This section supersedes any restrictions 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.

Cross References

29.03.01.06A

29.03.01.11B(2)

29.03.01.27B(3)

29.03.01.42C(2)

29.04.06.04B(3)

.04 Lost or Stolen Firearms.

A. If a regulated firearm is lost or stolen, the owner of the 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.

B. 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 database, as prescribed by the Secretary and to the extent known, the caliber, make, model, manufacturer, and serial number of the firearm and any other distinguishing number or identification mark on the regulated firearm.

C. A dealer or any other person who sells or transfers a regulated firearm shall notify the purchaser or recipient of that regulated firearm at the time of the purchase or transfer that the purchaser or recipient is required to report a lost or stolen regulated firearm

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to the local law enforcement agency within 72 hours after discovery of the loss or theft.

.05 New Residents of the State.

A. A person who moves into the State with the intent of becoming a resident shall register all regulated firearms within 90 days after establishing residency by submitting a registration application in the format prescribed by the Secretary. This regulation does not apply to a person who became a resident of the State prior to October 1, 2013.

B. The registration application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers; and

(2) The make, caliber, model, type, finish, barrel length, serial number, country of origin, and date of manufacture of each regulated firearm.

C. The application must be accompanied by a nonrefundable payment of $15, regardless of the number of firearms registered.

.06 Ammunition.

A. A person may not possess ammunition if the person is prohibited from possessing a regulated firearm under Regulation .03A of this chapter or Public Safety Article, §5-133(b)—(c), Annotated Code of Maryland.

B. A person who violates this section may be punished by imprisonment for a period of not more than one year, or a fine of not more than $1,000, or both.

.07 Magazine Capacity.

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A. Except as provided in §B of this regulation, a person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than ten rounds of ammunition for a firearm.

B. This section does not apply to:

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

(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 a law enforcement agency in the State; or

(3) An exemption listed in Regulation .02D of this chapter.

.08 Straw Purchases.

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

B. A person may not complete an application to purchase or transfer a regulated firearm with the intent to sell, rent, loan, or transfer that regulated firearm to another individual.

C. A person may not use another person to purchase or receive a regulated firearm.

D. A person may not transport a regulated firearm into the State with the intent to illegally sell, rent, or transfer the regulated firearm.

E. A dealer or person may not sell, rent, or transfer a regulated firearm to a person whom the dealer or person knows or has reasonable cause to believe is a participant in a straw purchase.

F. This regulation does not apply to a person purchasing a regulated firearm as a gift pursuant to Regulation .09 of this chapter.

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Cross References

29.03.01.09A

.09 Gifts.

A. A person does not participate in a straw purchase in violation of Regulation .08 of this chapter when purchasing a regulated firearm as a gift if:

(1) The recipient of the gift is a resident of the State;

(2) The recipient of the gift is not prohibited from purchasing or possessing a regulated firearm by State or federal law; and

(3) Except to the extent provided in §§B and C of this regulation, both the purchaser and the recipient of the gift shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland, pertaining to the possession, sale, rental, transfer, purchase, or receipt of a regulated firearm.

B. If a gift of a regulated firearm is in the form of a gift certificate, then only the recipient of the gift must comply with the requirements of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland, pertaining to the possession, sale, rental, transfer, purchase, or receipt of a regulated firearm.

C. If a gift of a regulated firearm is to the person's spouse, parent, grandparent, grandchild, brother, sister, son, or daughter:

(1) The recipient shall complete an application to purchase or transfer a regulated firearm;

(2) The recipient shall submit the application to the Secretary within 5 days after receipt of the regulated firearm; and

(3) The Secretary shall waive the regulated firearm application fee of $10.

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Cross References

29.03.01.08F

.10 Inheritance.

A. For the transfer or receipt of a regulated firearm by inheritance, the recipient shall submit a completed firearm application to the Secretary in the prescribed format.

B. For the transfer of a regulated firearm by inheritance to a recipient who is younger than 21 years old:

(1) The title of the firearm may be transferred to the recipient;

(2) The estate shall retain possession of the firearm until the recipient is 21 years old; and

(3) On receipt of the firearm, the recipient shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

Cross References

29.03.01.02D(4)

.11 Secondary Sales.

A. A secondary sale is a transaction in which neither party is a dealer or involved in the dealing or repairing of firearms as a regular course of trade or business.

B. A person may not sell, rent, or transfer a regulated firearm to:

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(1) An applicant whose firearm application is disapproved or is placed on hold because of an open disposition of criminal proceedings against the firearm applicant, unless the disapproval or hold is subsequently withdrawn by the Secretary or overruled by a court;

(2) A purchaser, lessee, or transferee who the person knows or has reasonable cause to believe is prohibited from possessing a regulated firearm under Regulation .03 of this chapter; or

(3) A purchaser, lessee, or transferee who is visibly under the influence of alcohol or drugs.

C. A person may not sell, rent, transfer, or purchase a regulated firearm until after 7 days following the time the firearm application is completed by the applicant and submitted to the Secretary by a dealer or a designated law enforcement agency.

D. The following procedure shall be used for all secondary sales of regulated firearms.

(1) The applicant shall complete a firearm application as prescribed in Regulation .16 of this chapter, except for the signature, which shall be completed in the presence of a dealer or a designated law enforcement agency.

(2) The regulated firearm to be purchased shall be transported by the seller to a dealer or a designated law enforcement agency.

(3) The firearm shall be transported unloaded, with no ammunition being readily available, and in a locked box, enclosed case, or enclosed holster.

(4) The seller shall contact the dealer or the designated law enforcement agency before removing the firearm from the vehicle and advise the dealer or the designated law enforcement agency that the applicant is applying for a secondary sale.

(5) The firearm may not be worn or carried into a dealer's place of business or a designated law enforcement installation without prior notification to the dealer or

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the designated law enforcement agency.

(6) The applicant shall sign the firearm application in the presence of the seller and dealer or the seller and designated law enforcement agent.

(7) The dealer or the designated law enforcement agency shall:

(a) Review and verify the applicant information on the application;

(b) Review and verify the seller information on the application;

(c) Review and verify the regulated firearm information on the application to ensure that a sale of a handgun manufactured after January 1, 1985, is permitted only if the handgun is on the handgun roster;

(d) Ensure that the applicant understands the declarations on the application;

(e) Review and verify the signatures and the date on the application;

(f) Sign and date the application as a reviewer; and

(g) Submit the application and the application fee to the Secretary.

(8) The seller shall complete the sale, rental, or transfer of the firearm within 90 days after the firearm application is marked by the Secretary as not disapproved.

(9) After completing the sale, rental, or transfer, the seller shall submit a copy of the completed application with a signature verifying the sale, rental, or transfer to the Secretary within 7 days after delivery of the regulated firearm in accordance with Regulation .12 of this chapter.

(10) If the sale, rental, or transfer of the firearm is not completed within 90 days, the seller shall return the firearm application to the Secretary within 7 days.

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E. An applicant for a secondary sale of a regulated firearm through a dealer shall pay the dealer a processing fee not exceeding $20.

.12 Reports of Sales.

A. Sales, Rentals, and Transfers.

(1) A sale, rental, or transfer of a regulated firearm shall be reported to the Firearms Registration Section within 7 days after the completed sale.

(2) A dealer or person who sells, rents, or transfers a regulated firearm shall submit notification of the completed transaction to the Firearms Registration Section in the manner prescribed by the Secretary.

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

B. A dealer shall submit to the Firearms Registration Section, with the proper notification, applications held by the dealer that have been disapproved by the Secretary.

C. A dealer shall submit to the Firearms Registration Section, with the proper notification, applications held by the dealer that have expired pursuant to the 90-day limit of Regulation .19 of this chapter.

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

Cross References

29.03.01.11D(9)

.13 Sale or Transfer After Seven-Day Waiting Period.

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A. If a dealer or person does not receive notification of disapproval or a hold for an open disposition of a criminal proceeding within the 7-day waiting period after submission of the regulated firearm application, then the dealer or person may sell, rent, or transfer the regulated firearm in accordance with all other applicable provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

B. The dealer or person shall submit the firearm application at the time that the purchase or transfer is completed and shall include a notation that the firearm was purchased or transferred before the application was marked as not disapproved.

C. Upon receiving a firearm application that contains a notation that the firearm was purchased or transferred before the application was marked as not disapproved, the Secretary shall:

(1) If the application is not disapproved after the investigation under Regulation .18 of this chapter, mark the application as not disapproved and notify the dealer or person.

(2) If the application is disapproved after the investigation under Regulation .18 of this chapter, mark the application as disapproved, notify the dealer or person, and notify the applicant.

D. The sale or transfer of a regulated firearm to a law enforcement officer or a member of the armed forces of the United States or the National Guard shall be processed as any other sale or transfer. The 7-day waiting period is in effect unless certification is received from the individual's commanding officer that the firearm is to be used in an official capacity.

.14 Sales to Minors.

A. A person may not sell, rent, or transfer a firearm, a regulated firearm, ammunition, pepper mace, or other deadly weapon to a minor.

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B. A person may not sell, rent, or transfer a regulated firearm to a person who is younger than 21 years old.

.15 Out-of-State Purchases.

A. A person who purchases a regulated firearm from an out-of-State, federally-licensed importer, manufacturer, or dealer shall have the out-of-State importer, manufacturer, or dealer ship the regulated firearm to a dealer in this State for processing.

B. A purchase pursuant to this regulation shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

.16 Regulated Firearm Application — Generally.

A. A regulated firearm application is required to purchase, rent, or transfer a regulated firearm.

B. The regulated firearm application shall be submitted in the format prescribed by the Secretary.

C. The regulated firearm application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) The dealer's name, address, telephone number, and identification number, and the salesperson's name;

(3) The seller's name, address, driver's license or photographic identification soundex number, Social Security number, date of birth, race, sex, and home and work telephone numbers;

(4) The make, caliber, model, type, finish, barrel length, serial number, country of origin, and date of manufacture of the regulated firearm;

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(5) Whether the firearm is new or used;

(6) For a handgun manufactured after January 1, 1985, whether it is listed on the handgun roster;

(7) For a handgun manufactured on or before December 31, 2002, whether it was sold, offered for sale, rented, or transferred with an external safety lock;

(8) For a handgun manufactured on or after January 1, 2003, whether it is equipped with an approved integrated mechanical safety device;

(9) For a handgun, including a replacement handgun as described under 27 CFR §178.147, which was shipped or transported by a manufacturer on or after October 1, 2000 and has not been sold, rented, or transferred to a person not licensed as a dealer, a statement by the dealer as to:

(a) The date of manufacture;

(b) The name of the manufacturer;

(c) The federal firearms license number of the manufacturer; and

(d) Whether a shell casing was included in the box with the handgun; and

(10) Authorization by the applicant to the Maryland Department of Health, or any other similar agency or department of another state, to disclose to the Department of State Police information as to whether the applicant:

(a) Suffers from a mental disorder and has a history of violent behavior;

(b) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; or

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(c) Has been involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; and

(11) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun;

(12) A declaration by the applicant, under penalty of perjury, that the applicant is not participating in a straw purchase; and

(13) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

D. The application shall contain the following required statement: "Any false information supplied or statement made in this application is a crime which is punishable by imprisonment for a period of not more than 3 years or a fine of not more than $5,000, or both."

E. The application must include a signature by the applicant and be witnessed by a dealer or a designated law enforcement agency.

F. The application must be accompanied by a nonrefundable payment of $10.

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

H. A regulated firearm application that is marked as not disapproved by the Secretary is valid only for the purchase, rental, or transfer of the firearm listed on the application.

I. The Secretary shall adopt a continuation form which shall be used for the purchase of more than one regulated firearm at the same time. The information on the continuation form must match the information provided on the firearm application pursuant to §C of this regulation.

Cross References

Courtesy of 2A Maryland 10-25-2026

29.03.01.11D(1)

29.03.01.54B

.17 Regulated Firearm Application — False or Omitted Information.

A. Any false information supplied or statement made in the 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.

B. An applicant shall not provide false information on a regulated firearm application, or omit significant information on the application, or cause false information to be given in connection with the verification investigation.

C. Any knowing material omission or false statement may be considered grounds for disapproval of an application or for criminal prosecution.

.18 Regulated Firearm Application — Investigation.

A. Upon receipt of a properly completed application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant may purchase or receive a regulated firearm and whether the information and statements on the application are true and accurate.

B. In conducting the investigation, 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 any county not maintaining a police force.

C. Information discovered during the investigation may be used against an applicant who has provided false or misleading information or has omitted information on the application.

Cross References

Courtesy of 2A Maryland 10-25-2026

29.03.01.13C(1)

29.03.01.13C(2)

.19 Regulated Firearm Application — Expiration.

A. A firearm application expires 90 days after the application is marked by the Secretary as not disapproved.

B. A dealer or person shall complete the sale, rental, or transfer of a regulated firearm before the application expires.

C. After the expiration of the 90-day limit, the application is void and the dealer or person shall return the application to the Firearms Registration Section within 7 days, in the manner prescribed by the Secretary.

D. The Secretary shall void a firearm application that is returned as an incomplete sale, rental, or transfer.

E. After the expiration of the 90-day limit, the prospective purchaser may submit another regulated firearm application.

Cross References

29.03.01.12C

.20 Regulated Firearm Application — Disapproval.

A. If the Secretary disapproves a regulated firearm application, the Secretary shall provide written notice of the disapproval to the dealer or prospective seller, lessor, or transferor within seven days after receiving a properly completed application. The written notice shall contain the reasons the application was disapproved.

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B. After providing written notice to the dealer or prospective seller, lessor, or transferor, the Secretary shall provide written notice of the disapproval to the applying purchaser, lessee, or transferee. The written notice shall contain the reasons the application was disapproved and a statement of the applicant's appeal rights.

Cross References

29.03.01.54H

.21 Regulated Firearm Application — Appeal.

A. A person whose regulated firearm application is disapproved may submit a written request to the Secretary for a hearing within 30 days after the date that the written notice of disapproval was sent by the Secretary.

B. Upon receipt of a valid request, the Secretary shall grant a hearing within 15 days and the hearing shall be held in the county of the legal residence of the person requesting the hearing.

C. The hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Regulation .22 of this chapter and State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

Cross References

29.03.01.54H

.22 Regulated Firearm Application — Conduct of Hearing.

A. An applicant may be represented at a hearing by an attorney-at-law licensed to practice in Maryland. The attorney shall file a notice of appearance and, when appropriate, a notice of substitution before the hearing or at the attorney's first appearance.

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B. The notice of appearance remains in effect until the:

(1) Applicant files a written revocation of the attorney's authority;

(2) Attorney files a written statement of the attorney's withdrawal from the case;

(3) Attorney states on the record at the hearing that the attorney is withdrawing from the case; or

(4) Hearing officer receives notice of the attorney's disqualification or death.

C. After filing a notice of appearance in accordance with this regulation, and as long as the notice remains in effect, copies of all written communications or notices shall be sent to the attorney of record. Service on the applicant's attorney is service on the applicant.

D. The hearing resulting from the appeal of a disapproval of the application to purchase or transfer a regulated firearm shall be conducted in accordance with the Administrative Procedure Act and COMAR 28.02.01.

E. The review of the record by the administrative law judge consists of a review of all information available to the Secretary which formed the basis for the decision to disapprove the application, as well as any additional information that may be required by the State, the administrative law judge, or other sources.

F. The decision by the administrative law judge after a hearing or review of the record shall be issued in writing or stated for the record, and shall be accompanied by findings of fact and conclusions of law. A copy of the written decision shall be mailed or delivered to the applicant or the applicant's attorney of record.

G. The applicant may appeal the final decision to the circuit court under the provisions of the Administrative Procedure Act.

H. The burden of proof for the disapproval of an application to purchase a regulated firearm is the responsibility of the State.

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Cross References

29.03.01.21C

29.03.01.51B(3)

29.03.01.53G(3)

.23 Multiple Purchases — Generally.

A. Except as provided in §§B and C of this regulation, a person may not purchase more than one regulated firearm in a 30-day period.

B. The restriction in §A of this regulation 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 within the State;

(5) A purchase of an antique firearm;

(6) A purchase by a dealer;

(7) An exchange or replacement of a regulated firearm by a dealer or seller for a regulated firearm purchased from the dealer or 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:

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(a) The person provides the dealer with a copy of the official police report or an official summary of the report, a copy of which shall be attached to the application to purchase or transfer a regulated firearm;

(b) 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 and date of the loss or theft, and the date on which the loss or theft was reported to the law enforcement agency; and

(c) The date of the loss or theft as reflected on the official police report or official summary of the report occurred within 30 days immediately before the attempt to replace the regulated firearm.

C. A person may apply for a multiple purchase of regulated firearms if the purchase of the regulated firearms is:

(1) A bulk purchase from an estate sale;

(2) For a private collection or a collector series;

(3) For the purpose of taking advantage of a dealer's discounted price available only for a multiple purchase and:

(a) The purchase does not exceed two regulated firearms; and

(b) The purchaser will not purchase a regulated firearm during the following 30-day period, unless approved for a multiple purchase under §C(1) or (2) of this regulation; or

(4) For other similar purposes.

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Cross References

29.03.01.24A

29.03.01.24D(4)

.24 Multiple Purchases — Application.

A. Except as provided in Regulation .23B of this chapter, a multiple purchase application is required to purchase more than one regulated firearm in a 30-day period.

B. Except as provided in §F of this regulation, the multiple purchase application shall be attached to the application to purchase a regulated firearm and forwarded to the Secretary by a dealer or a designated law enforcement agency.

C. The multiple purchase application shall be submitted by a dealer or a designated law enforcement agency in the format prescribed by the Secretary.

D. The multiple purchase application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) The number of regulated firearms to be purchased;

(3) The type of regulated firearms to be purchased;

(4) A brief statement as to the purpose of the multiple purchase, which shall satisfy one of the requirements in Regulation .23C of this chapter;

(5) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun;

(6) A declaration by the applicant, under penalty of perjury, that the applicant is not participating in a straw purchase; and

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(7) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

E. The application must include a signature by the applicant and be witnessed by a dealer or a designated law enforcement agency.

F. An individual who has already been designated as a collector by the Secretary pursuant to Regulation .25 of this chapter is not required to complete and submit a multiple purchase application.

.25 Multiple Purchases — Collectors.

A. A person shall be designated as a collector by the Secretary before applying for a multiple purchase of regulated firearms as a collector.

B. A person may submit an application to be designated as a collector if the person:

(1) Devotes time and attention to acquiring certain types of regulated firearms for the enhancement of the collector's personal collection; or

(2) Possesses a Federal Collector's License (Curio and Relics).

C. The designated collector application shall be submitted in the format prescribed by the Secretary.

D. The designated collector application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) A description of the nature of the applicant's collecting activities;

(3) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a firearm; and

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(4) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

E. If a designated collector application is approved or denied by the Secretary, the Secretary shall provide written notification to the person within a reasonable time after receiving a properly completed application.

F. The Secretary shall revoke without prejudice a person's designated collector status by written notification, either in person or by mail to the person's last known address, if the person is:

(1) Under indictment for a crime of violence; or

(2) Arrested for any violation that would prohibit the purchase or possession of a regulated firearm.

G. A person whose designated collector application is denied or whose designated collector status is revoked may submit a written request to the Secretary for a review of the decision within 30 days after the date that the written notice of denial or revocation was sent by the Secretary.

(1) The person may request a review of the decision in writing or may request a hearing before the Commander of the Licensing Division, the Supervisor of the Firearms Registration Section, or the denying officer.

(2) The person shall be granted a review of the denial or revocation within 30 days after the person's request for review.

Cross References

29.03.01.24F

.26 Handgun Qualification License — Generally.

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A. Except as provided in §B of this regulation, a person shall possess a valid Handgun Qualification License before the person may purchase, rent, or receive a handgun.

B. A person is not required to possess a Handgun Qualification License if the person:

(1) Possesses valid credentials or retirement credentials from a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;

(2) 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

(3) Purchases, rents, or receives an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

C. A person who has a valid permit issued under Public Safety Article, Title 5, Subtitle 3, Annotated Code of Maryland may submit a written request to the Secretary for a Handgun Qualification License without submitting the Handgun Qualification License application or fee under Regulation .28 of this chapter.

Cross References

29.03.01.27A

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.27 Handgun Qualification License — Eligibility.

A. Exemptions. A person is not required to possess a Handgun Qualification License to purchase a handgun if the person satisfies one of the exceptions set forth in Regulation .26B of this chapter.

B. Qualifications. In accordance with Public Safety Article, §5-117.1(d), Annotated Code of Maryland, a person is eligible for issuance of a Handgun Qualification License only if the person:

(1) Is 21 years old or older;

(2) Is a resident of the State; and

(3) Is not prohibited from possessing a handgun under Regulation .03 of this chapter or otherwise prohibited from purchasing or possessing a handgun under federal or State law.

.28 Handgun Qualification License — Application.

A. A Handgun Qualification License application shall be submitted in the format prescribed by the Secretary.

B. The Handgun Qualification License application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) Proof of the applicant's completion of, or exemption from, a Firearms Safety Training Course within the previous 3 years, in the manner prescribed by the Secretary on the application;

(3) A complete set of the applicant's fingerprints, taken and submitted in the manner prescribed by the Secretary on the application;

(4) Authorization by the applicant to the Maryland Department of Health, or any other similar agency or department of another state, to disclose to the Department of State Police information as to whether the applicant:

(a) Suffers from a mental disorder and has a history of violent behavior;

(b) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; or

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(c) Has been involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; and

(5) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun; and

(6) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

C. The application must be accompanied by a nonrefundable payment of $50.

D. A Handgun Qualification License expires 10 years from the date of issuance.

Cross References

29.03.01.26C

.29 Handgun Qualification License — Training Requirement.

A. Except as provided in §B of this regulation, an applicant shall complete a Firearms Safety Training Course and submit a Firearms Safety Training Certificate issued by a Qualified Handgun Instructor. The submission of the Firearms Safety Training Certificate shall constitute proof that the applicant satisfactorily completed a Firearms Safety Training Course.

B. An applicant does not need to complete a Firearms Safety Training Course if the applicant:

(1) Has satisfactorily completed a firearms training course approved by the Secretary as an exemption from the Firearms Safety Training Course;

(2) Has satisfactorily completed a course of instruction in competency and safety in the handling of firearms as prescribed by the Department of Natural Resources under Natural Resources Article, §10-301.1, Annotated Code of Maryland;

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(3) Is a Qualified Handgun Instructor in accordance with Regulation .37 of this chapter;

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

(5) Is a former law enforcement officer of the State or a local law enforcement agency in the State who has successfully completed initial law enforcement training;

(6) Is an employee of an armored car company and has a permit issued under Public Safety Article, Title 5, Subtitle 3, Annotated Code of Maryland; or

(7) Lawfully owns a regulated firearm.

C. A Firearms Safety Training Course shall consist of a minimum of 4 hours of instruction by a Qualified Handgun Instructor and include the following minimum curricula.

(1) State Firearm Law. Overview of the State firearm laws, including discussion of what constitutes a regulated firearm, how to properly purchase or transfer a firearm, where allowed to carry or transport a firearm, when necessary to possess a carry permit, and who is prohibited from possessing firearms.

(2) Home Firearm Safety. Overview of handgun and firearm safety in the home, including discussion of access to minors, locking and storing of firearms, and use of safety devices, such as secure lock boxes.

(3) Handgun Mechanisms and Operation. Overview of the proper operation and safe handling of a handgun, including cleaning and maintenance, the loading and unloading of ammunition, and the differences between revolvers and semi-automatic handguns.

(4) Operation and Handling Demonstration. Orientation that demonstrates the applicant's safe operation and handling of a firearm, including a practice component in which the applicant safely fires at least one round of live ammunition.

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Cross References

29.03.01.01B(19)

.30 Handgun Qualification License — False or Omitted Information.

A. An applicant shall not provide false information on an application for a Handgun Qualification License, or omit significant information on the application, or cause false information to be given in connection with the verification investigation.

B. Any knowing material omission or false statement may be considered grounds for denial of a license or for criminal prosecution.

.31 Handgun Qualification License — Investigation.

A. Upon receipt of a properly completed application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant satisfies the criteria for issuance of a license.

B. Information discovered during the investigation may be used against an applicant who has provided false or misleading information or has omitted information on the application.

.32 Handgun Qualification License — Issuance and Denial.

A. In accordance with Public Safety Article, §5-117.1(h), Annotated Code of Maryland, the Secretary shall issue a Handgun Qualification License or provide a written denial of the application within 30 days after receiving a properly completed application.

B. A properly completed application satisfies all the requirements prescribed by the Secretary.

C. A written denial provided by the Secretary shall contain the reasons the application was denied and a statement of the applicant's appeal rights.

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D. In accordance with Public Safety Article, §5-117.1(h)(2), Annotated Code of Maryland, 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.

.33 Handgun Qualification License — Replacement.

A. A person may submit a written request to the Secretary for a replacement license if the license is lost or stolen.

B. A request for a replacement Handgun Qualification License must be accompanied by a nonrefundable fee of $20.

C. Upon receipt of a properly submitted request, the Secretary shall issue a replacement license within a reasonable time if the applicant is not otherwise disqualified from possessing a Handgun Qualification License.

.34 Handgun Qualification License — Renewal.

A. A Handgun Qualification License may be renewed for successive periods of 10 years.

B. The Handgun Qualification License renewal application shall be submitted in the format prescribed by the Secretary.

C. The Handgun Qualification License renewal application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) The identification number from the applicant's prior Handgun Qualification License;

(3) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun; and

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(4) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

D. The renewal application must be accompanied by a nonrefundable payment of $20.

E. Upon receipt of a properly submitted renewal application, the Secretary shall issue a renewed Handgun Qualification License within a reasonable time if the applicant is not otherwise disqualified from possessing a Handgun Qualification License.

.35 Handgun Qualification License — Revocation.

A. The Secretary may revoke a Handgun Qualification License on a finding that the licensee no longer satisfies the qualifications set forth in Public Safety Article, §5-117.1(d), Annotated Code of Maryland.

B. The Secretary shall provide written notification to a person whose Handgun Qualification License is revoked.

C. A written notice of revocation shall contain the reasons the license was revoked and a statement of the person's appeal rights.

D. A person whose Handgun Qualification License is revoked shall return the license to the Licensing Division, Department of State Police within 5 days after receipt of the notice of revocation.

.36 Handgun Qualification License — Appeal.

A. A person whose original or renewal Handgun Qualification License application 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 that the written notice of denial or revocation was sent by the Secretary.

B. Upon receipt of a valid request, the Secretary shall grant a hearing within 15 days and the hearing shall be held in the county of the legal residence of the person requesting the hearing.

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C. The hearing and any subsequent proceedings of judicial review shall be conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.37 Qualified Handgun Instructor — Generally.

A. A person is a Qualified Handgun Instructor if the person has:

(1) A valid Qualified Handgun Instructor License issued by the Secretary in accordance with Regulation .38 of this chapter;

(2) Been recognized by the Maryland Police and Correctional Training Commissions; or

(3) A valid instructor certification issued by a nationally recognized firearms organization.

B. A Qualified Handgun Instructor shall provide proof of certification or qualification to the Secretary before providing instruction to an applicant for a Handgun Qualification License or a handgun permit.

C. Upon a person's satisfactory completion of an applicable firearms training course, a Qualified Handgun Instructor shall:

(1) Provide the person a Firearms Safety Training Certificate that includes:

(a) The person's name and date of birth;

(b) The instructor's name;

(c) Whether the completed course was a Firearms Safety Training Course or a Handgun Permit Training Course;

(d) The length in hours of the course;

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(e) The date of course completion;

(f) The location of the training;

(g) A declaration certifying that the course met the minimum standards prescribed by the Secretary; and

(h) A declaration certifying that the person completed the course; and

(2) Submit the requisite information to the Licensing Division, Department of State Police, as prescribed by the Secretary.

Cross References

29.03.01.29B(3)

29.03.02.05B(3)

.38 Qualified Handgun Instructor License — Application.

A. If a person has not been recognized by the Maryland Police and Correctional Training Commissions or does not have a valid certification issued by a nationally recognized firearms organization, then the person shall obtain a Qualified Handgun Instructor License before acting as a Qualified Handgun Instructor.

B. A Qualified Handgun Instructor License application shall be submitted in the format prescribed by the Secretary.

C. The Qualified Handgun Instructor License application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

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(2) Proof of the applicant's formal training in the care, safety, and use of handguns, including a minimum qualification score of 80 percent on a practical police course; and

(3) Proof of the applicant's minimum of 1 year of experience in instruction in the care, safety, and use of handguns.

D. Upon receipt of a properly completed application, the Secretary shall issue a Qualified Handgun Instructor License to the applicant within a reasonable time.

E. A Qualified Handgun Instructor License expires 4 years from the date of issuance.

Cross References

29.03.01.01B(36)

29.03.01.37A(1)

.39 Qualified Handgun Instructor License — Renewal.

A. A Qualified Handgun Instructor License may be renewed for successive periods of 4 years.

B. A Qualified Handgun Instructor License renewal application shall be submitted in the format prescribed by the Secretary.

C. The Qualified Handgun Instructor License renewal application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers; and

(2) Proof of the applicant's experience in instruction in the care, safety, and use of handguns within the past 4 years.

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D. Upon receipt of a properly completed renewal application, the Secretary shall issue a renewed Qualified Handgun Instructor License within a reasonable time.

.40 Qualified Handgun Instructor License — Revocation.

A. The Secretary may revoke a Qualified Handgun Instructor License for cause. Sufficient cause may include, but is not limited to, evidence of:

(1) Unsafe range practices;

(2) False reporting of Firearm Safety Training Course completion or Handgun Permit Training Course completion;

(3) Falsification of permit applicant qualification scores;

(4) Failure to satisfy the minimum requirements of training courses;

(5) Conviction for a criminal offense that would preclude the licensee from purchasing or possessing a firearm; or

(6) Conviction for a criminal offense involving the distribution, use, or possession of a controlled substance.

B. The Secretary shall provide written notification to a person whose Qualified Handgun Instructor License is revoked.

C. A written notice of revocation shall contain the reasons the license was revoked and a statement of the person's appeal rights.

D. A person whose Qualified Handgun Instructor License is revoked shall return the license to the Licensing Division, Department of State Police within 10 days after receipt of the notice of revocation.

.41 Qualified Handgun Instructor License — Appeal.

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A. A person whose original or renewal Qualified Handgun Instructor License application is denied or whose Qualified Handgun Instructor License is revoked may submit a written request to the Secretary for an informal review within 10 days after receipt of the notice of denial or revocation.

B. Upon receipt of a valid request, the informal review shall be conducted by a person designated by the Secretary who shall sustain or reverse the initial action and provide written notification of the decision to the person who requested the informal review within 30 days after the informal review.

C. An informal review is not subject to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.42 Dealers — Generally.

A. A person shall 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. A dealer's license is required for each place of business where regulated firearms are sold.

C. A dealer may not sell, rent, or transfer a regulated firearm to:

(1) An applicant whose firearm application is disapproved or is placed on hold because of an open disposition of criminal proceedings against the firearm applicant, unless the disapproval or hold is subsequently withdrawn by the Secretary or overruled by a court;

(2) A purchaser, lessee, or transferee who the dealer knows or has reasonable cause to believe is prohibited from possessing a regulated firearm under Regulation .03 of this chapter; or

(3) A purchaser, lessee, or transferee who is visibly under the influence of alcohol or drugs.

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D. A dealer may not sell, rent, transfer, or purchase a regulated firearm until after 7 days following the time a firearm application is completed by the applicant and submitted to the Secretary by the dealer.

.43 Dealers — Records.

A. Recordkeeping.

(1) A dealer shall keep records of all acquisitions, receipts, sales, rentals, transfers, and other dispositions of firearms affected in connection with the dealer's business, including a copy of all firearm applications, for a minimum of 3 years.

(2) The records shall include:

(a) The name and address of each person from whom the dealer acquires a firearm;

(b) The name and address of each person to whom the dealer sells, rents, transfers, or otherwise disposes of a firearm;

(c) The make, caliber, model, type, finish, barrel length, serial number, country of origin, and date of manufacture of each firearm acquired, sold, rented, transferred, or otherwise disposed of; and

(d) The date of each acquisition, receipt, sale, rental, transfer, or other disposition.

(3) The records shall be maintained in alphabetical or chronological order, in the manner prescribed by the Secretary.

(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. A dealer 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 regulation when the information is requested in connection with a bona fide criminal

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investigation. The information shall be provided in the manner required by the Secretary.

C. When the Secretary provides written notification to a dealer, the dealer shall submit to the Secretary the information required to be kept under §A of this regulation for the time period specified by the Secretary.

D. The Secretary may inspect the inventory and records of a dealer at any time during the normal business hours of the dealer's business. The Secretary shall inspect the records and inventory of a dealer at least once every 2 years.

E. The Secretary may make available to a federal, state, or local law enforcement agency any information obtained relating to the identities of persons who have unlawfully purchased or received firearms.

F. When a dealer's business is discontinued and succeeded by a new dealer, the records required under §A of this regulation shall reflect the business discontinuance and succession and shall be delivered to the successor dealer.

Cross References

29.03.01.50B

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.44 Dealer's License — Generally.

A. A dealer shall have a valid dealer's license conspicuously displayed at each place of business. The license shall identify the dealer and the location of the place of business.

B. A dealer's license is not transferable to a new place of business or another person.

C. Change of Business Location.

(1) Before changing the physical location of a place of business, a dealer shall provide written notice to the Firearms Registration Section and surrender the dealer's license for that place of business.

(2) Unless cause exists to revoke the dealer's license, the Secretary shall issue a new dealer's license without charge to cover the new place of business for the remaining unexpired term of the surrendered license.

(3) The dealer's license for the new place of business may be renewed under Regulation .49 of this chapter.

.45 Dealer's License — Application.

A. A dealer's license application is required for each place of business where the applicant intends to sell or rent regulated firearms.

B. A dealer's license application shall be submitted in the format prescribed by the Secretary.

C. The dealer's license application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) A clear and recognizable photograph of the applicant, taken and submitted in the manner prescribed by the Secretary on the application, unless the photograph has been submitted with an application within the preceding 5 years;

(3) A complete set of the applicant's fingerprints, taken and submitted in the manner prescribed by the Secretary on the application, unless the fingerprints have been submitted with a prior year's application;

(4) A copy of the applicant's current valid federal firearms license;

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(5) A copy of the applicant's current retail sales tax license;

(6) A copy of the applicant's current trader's license, if an inventory is maintained;

(7) Authorization by the applicant to the Maryland Department of Health, or any other similar agency or department of another state, to disclose to the Department of State Police information as to whether the applicant:

(a) Suffers from a mental disorder and has a history of violent behavior;

(b) Has been voluntarily admitted for more than 30 consecutive days to a mental health facility or an institution that provides treatment or services for individuals with mental disorders; or

(c) Has been involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with mental disorders;

(8) A declaration by the applicant, under the penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a firearm; and

(9) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate.

D. The application shall contain the following required statement: "Any false information supplied or statement made in this application is a crime which is punishable by imprisonment for a period of not more than 3 years or a fine of not more than $5,000, or both."

E. The application must include a signature by the applicant and be notarized.

F. The application must be accompanied by a nonrefundable payment of $50.

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

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H. A dealer's license expires on the first June 30 after its effective date, unless renewed under Regulation .49 of this chapter.

Cross References

29.03.01.49C

.46 Dealer's License — False or Omitted Information.

A. An applicant may not provide false information on an application for a dealer's license, or omit significant information on the application, or cause false information to be given in connection with the verification investigation.

B. Any knowing material omission or false statement may be considered grounds for denial of a license or for criminal prosecution.

.47 Dealer's License — Investigation.

A. Upon receipt of a properly completed application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant possesses the qualifications for a license and whether the information and statements on the application are true and accurate.

B. Information discovered during the investigation may be used against an applicant who has provided false or misleading information or has omitted information on the application.

.48 Dealer's License — Issuance and Denial.

A. The Secretary shall issue a dealer's license or provide a written denial of the application within a reasonable time after receiving a properly completed application.

B. The Secretary shall deny a dealer's license application if the Secretary determines that the applicant:

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(1) Supplied false information or made a false statement on the application or during the course of the investigation;

(2) Did not properly complete the application in the form and manner prescribed by the Secretary; or

(3) 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 will:

(a) Participate in the management or operation of the business for which the license is sought; or

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

C. The Secretary shall deny a dealer's license application if 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 another.

D. If the Secretary denies a dealer's license application, the Secretary shall provide written notice of the denial to the person whose license was denied. The written notice shall contain the reasons the license was denied and a statement of the applicant's appeal rights.

E. A person whose dealer's license application is denied may not engage in the business of selling, renting, or transferring regulated firearms, unless the denial has been subsequently withdrawn by the Secretary or overruled by a court.

.49 Dealer's License — Renewal.

A. A dealer's license may be renewed for successive periods of 1 year. A renewal license expires each year on June 30.

B. A dealer seeking a renewal license shall submit a renewal application on or before June 1.

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C. The renewal application shall include the information and comply with the provisions of Regulation .45 of this chapter.

D. The renewal application must be accompanied by a nonrefundable payment of $25.

E. Upon receipt of a properly submitted renewal application, the Secretary shall issue a renewal license within a reasonable time if the applicant is not otherwise disqualified from possessing a dealer's license.

Cross References

29.03.01.44C(3)

29.03.01.45H

.50 Dealer's License — Suspension or Revocation.

A. The Secretary shall suspend a dealer's license if the dealer is:

(1) Under indictment for a crime of violence; or

(2) Arrested for a violation that would prohibit the purchase or possession of a regulated firearm.

B. The Secretary may suspend a dealer's license if the dealer is not in compliance with the recordkeeping and reporting requirements of Regulation .43 of this chapter. The Secretary may lift this suspension after the dealer provides evidence that the violation has been corrected.

C. The Secretary shall revoke a dealer's license if the dealer:

(1) Supplied false information or made false statements in the dealer's license application or renewal application;

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(2) Is prohibited from possessing a regulated firearm;

(3) Has knowingly or willfully manufactured, sold, or offered to sell a handgun not on the handgun roster in violation of Public Safety Article, §5-406, Annotated Code of Maryland;

(4) Has knowingly or willfully participated in a straw purchase of a regulated firearm; or

(5) Has sold, rented, transferred, transported, delivered, or acquired a regulated firearm without complying with all applicable State laws and regulations.

D. If the Secretary suspends or revokes a dealer's license, the Secretary shall provide written notice of the suspension or revocation to the person whose license was suspended or revoked. The written notice shall contain the reasons the license was suspended or revoked and a statement of the person's appeal rights.

E. 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.

.51 Dealer's License — Appeal.

A. Application Denial.

(1) A person whose initial or renewal dealer's license application is denied may file an appeal to the circuit court of the county where the person's place of business is to be located within 30 days after the date that the written notice of denial or revocation was sent by the Secretary.

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

B. Suspension, Revocation, and Fines.

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(1) A person whose dealer's license is suspended or revoked or who is fined for a violation may submit a written request to the Secretary for a hearing within 30 days after the date that the written notice of suspension or revocation was sent by the Secretary.

(2) Upon receipt of a valid request, the Secretary shall grant a hearing within 15 days.

(3) The hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Regulation .22 of this chapter and State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

.52 Gun Shows — Generally.

A. The Secretary has the sole authority to regulate the sale of regulated firearms at a gun show.

B. A person shall be a resident of this State to sell, rent, or transfer a regulated firearm at a gun show in this State.

C. A person other than a dealer shall obtain a Temporary Transfer Permit in accordance with Regulation .53 of this chapter before the person displays a regulated firearm for sale, rental, or transfer at a gun show.

D. A dealer may not be issued a Temporary Transfer Permit. A dealer may conduct business at a gun show only if:

(1) All business conducted at the gun show is from a table or fixed display;

(2) A legible photostatic copy of a valid dealer's license is displayed prominently in public view as part of the table or display; and

(3) The dealer conducts business in compliance with the applicable provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

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E. A person who possesses a Federal Firearms License is considered to be engaged in the business of selling firearms at wholesale or retail, and may not be issued a Temporary Transfer Permit. The person may not sell, rent, or transfer a regulated firearm in this State unless the person possesses a valid dealer's license.

F. A person who possesses a Federal Firearms License may sell, rent, or transfer a rifle or shotgun that is not a regulated firearm if:

(1) The purchase, rental, or transfer of the firearm is legal; and

(2) The purchaser, lessee, or transferee of the firearm is a resident of Maryland, Pennsylvania, Delaware, or West Virginia.

G. A person attending a gun show may not sell, offer for sale, rent, or transfer any handgun manufactured after January 1, 1985, that is not on the handgun roster in compliance with Public Safety Article, Title 5, Subtitle 4, Annotated Code of Maryland.

.53 Gun Shows — Temporary Transfer Permits.

A. The Secretary has the sole authority to issue a Temporary Transfer Permit.

B. A Temporary Transfer Permit shall be prominently displayed in public view as a part of a table or fixed display of a person other than a dealer who displays a regulated firearm for sale, rental, or transfer at a gun show.

C. A Temporary Transfer Permit is valid only for the gun show for which it was issued and is not transferable.

D. A Temporary Transfer Permit may not be voided or replaced with another Temporary Transfer Permit.

E. Application.

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(1) An application for a Temporary Transfer Permit shall be received by the Maryland State Police a minimum of 10 business days before the first day of the gun show to be attended by the applicant.

(2) The application shall be submitted in the format prescribed by the Secretary.

(3) An initial application must be accompanied by a nonrefundable payment of $10.

(4) An applicant may apply for up to four additional permits when submitting the initial application.

(5) An applicant may also apply for a Temporary Transfer Permit in person at the Firearms Registration Section during normal business hours.

F. Issuance and Denial.

(1) Upon receipt of a properly completely application, the Secretary shall conduct an investigation of the applicant for the purpose of determining whether the applicant is prohibited by law from purchasing or possessing a firearm or is engaging in the business of a dealer.

(2) The Secretary shall deny an application for a Temporary Transfer Permit if the information on the application is illegible, incomplete, or inaccurate.

(3) The Secretary shall deny an application for a Temporary Transfer Permit if the applicant is prohibited by law from purchasing or possessing a firearm or is engaging in the business of a dealer.

(4) The Secretary shall issue a Temporary Transfer Permit or provide a written denial of the application within 7 days after receiving a properly completed application.

(5) A written denial provided by the Secretary shall contain the reasons the application was denied and a statement of the applicant's appeal rights.

G. Appeal.

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(1) A person whose Temporary Transfer Permit application is denied may submit a written request to the Secretary for a hearing within 30 days after the date that the written notice of denial was sent by the Secretary.

(2) Upon receipt of a valid request, the Secretary shall grant a hearing within 15 days and the hearing shall be held in the county of the legal residence of the person requesting the hearing.

(3) The hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Regulation .22 of this chapter and State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

H. In addition to the initial Temporary Transfer Permit, four additional Temporary Transfer Permits may be issued each calendar year to the same applicant at no additional charge.

I. A person who displayed regulated firearms for sale, rental, trade, or transfer at more than five gun shows in a single calendar year shall obtain a dealer's license in compliance with this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

Cross References

29.03.01.52C

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.54 Gun Shows — Sales, Rentals, and Transfers.

A. The sale, rental, or transfer of a regulated firearm at a gun show must take place from a table or fixed display.

B. A dealer or other person may not transfer a regulated firearm sold or rented at a gun show until after 7 days following the time the firearm application is completed by the applicant and submitted to the Secretary in accordance with Regulation .16 of this chapter.

C. A sale, rental, or transfer of a regulated firearm from a table or fixed display shall comply with the applicable provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

D. An individual wishing to purchase, rent, or receive a regulated firearm at a gun show shall:

(1) Properly complete and submit a firearm application in accordance with this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland; and

(2) Comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

E. A dealer or seller wishing to sell, rent, or transfer a regulated firearm at a gun show shall complete the requisite information on the firearm application. If the Temporary Transfer Permit holder is a private seller, then the seller shall write “TTP” in the section of the firearm application requiring a dealer identification number.

F. Each application to purchase a regulated firearm must be accompanied by a nonrefundable payment of $10.

G. If a firearm application is marked as not disapproved by the Secretary, the Secretary shall send the application to the dealer or prospective seller for transfer to the purchaser.

H. If a firearm application is marked as disapproved by the Secretary, the Secretary shall comply with Regulation .20 of this chapter. The person whose application was disapproved may request a hearing under Regulation .21 of this chapter.

.55 Pawnbrokers.

A. If a person attempts to redeem a previously pawned regulated firearm, the pawnbroker shall determine whether the person is the same individual who deposited the firearm

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with the pawnbroker as a pledge by requiring the person to display a driver's license, an age of majority card, or other acceptable photographic identification.

B. If a person attempting to redeem a previously pawned regulated firearm is not the same individual who deposited the firearm with the pawnbroker, then the transfer of the regulated firearm shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

C. If the period allowed for redemption of a pawned regulated firearm has elapsed and the pawnbroker offers the regulated firearm for sale or rental, then the transfer of the regulated firearm shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

(1) The pawnbroker shall notify the prospective transferee that the transferee is subject to the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

(2) The pawnbroker shall write on all pawn tickets issued for pawned regulated firearms: "This pawn ticket is transferable subject to the provisions of Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland."

.56 Public Auctions and Flea Markets.

The sale, rental, or transfer of a regulated firearm at a public auction or a flea market shall comply with the provisions of this chapter and Public Safety Article, Title 5, Subtitle 1, Annotated Code of Maryland.

.57 Handguns — Safety Devices.

A. A dealer may not sell, offer for sale, rent, or transfer 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.

B. A dealer may not sell, offer for sale, rent, or transfer a handgun manufactured on or after January 1, 2003, unless the handgun is sold, offered for sale, rented, or

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transferred with an approved integrated mechanical safety device.

C. The provisions of this regulation do not apply to:

(1) An antique firearm;

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

(3) A sale or transfer by a dealer or manufacturer to a lawful customer outside the State; or

(4) A purchase, sale, transfer, or transport to or by a dealer or manufacturer that provides or services a handgun for:

(a) Personnel of the United States government or an agency or department of the United States government;

(b) Members of the armed forces of the United States or the National Guard;

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

(d) An organization that is required by federal law or regulations governing its specific business or activity to maintain handguns and applicable ammunition.

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.58 Dealers — Security Requirements.

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 the security features specified in Public Safety Article, §5-145.1(a)(1), Annotated Code of Maryland, and §§B — D of this regulation; or

(2) Outside business hours, the licensed dealer locks all firearms stored on premises in:

(a) A vault;

(b) A safe; or

(c) A room or building that meets the requirements of Public Safety Article, §5-145.1(a)(1), Annotated Code of Maryland, and §§B — D of this regulation.

B. Video security equipment shall:

(1) Record 24 hours a day, 365 days a year, without interruption;

(2) Provide a date and time stamp for every recorded frame;

(3) Record activity inside and outside the place of business to include:

(a) Each entrance and exit of the place of business; and

(b) Either:

(i) Exterior parking areas leading up to and from the place of business; or

(ii) Exterior corridors leading up to and from the place of business if the parking area is not continuous to the business;

(4) Have limited and secured access to the stored footage in a format that can be easily accessed for investigational purposes;

(5) Retain recordings of security footage for a minimum of 90 days; and

(6) Make footage available upon request by a law enforcement agency within 48 hours.

C. Burglary Alarm System Requirements. A security system shall be continually monitored and cover all perimeter entry and exit points.

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D. Physical barriers may include:

(1) Bollards, concrete barriers, steel barricades, planters, landscape boulders, terrain, building construction, and elevation or another physical barrier that prevents intrusion into the building; and

(2) Security gates, screens, shutters, bars, security window film, or window grilles.

E. Inspection. The Secretary:

(1) Shall inspect the security requirements of a licensed dealer at least once every 2 years; and

(2) May inspect the security requirements at any time before being approved for a license, as a follow-up to a non-compliant inspection, during required inventory and record audits, and following a burglary/theft or attempts thereof.

F. Non-Compliance.

(1) A person who violates this section is subject to a civil penalty not exceeding $1,000 imposed by the Secretary.

(2) In addition to the penalty imposed under §F(1) of this regulation, a person who knowingly and willfully violates this section is subject to:

(a) Suspension of the person's dealer's license upon a second offense, with the suspension remaining in effect until compliance is regained; and

(b) Revocation of the person's dealer's license upon a third or subsequent offense.

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