

Maryland State Law  
Ann. Code of MD  
Article 27. Crimes and Punishments

H.B. No. 1131 - AN ACT concerning handguns: Prohibition of Manufacture and Sale; Prohibition of Strict Liability For Damages Caused by Certain Criminal Use of Firearms. Signed by the Governor on May 23, 1988.

PREAMBLE

**WHEREAS**, Certain handguns generally include several of the following characteristics: easily concealable, ballistically inaccurate, relatively light in weight, of low quality and manufacture, unreliable as to safety, and of low caliber; and

**WHEREAS**, Certain handguns have no legitimate socially useful purpose and are not suitable for law enforcement, self-protection, or sporting activities; and

**WHEREAS**, Only the prohibition of the manufacture and sale of these handguns will remove these handguns from the streets of this State; now, therefore,

**SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND**, That the Laws of Maryland read as follows: Article 27 - Crimes and Punishments \* \* \* \*

**SECTION 2. AND BE IT FURTHER ENACTED**, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

**SECTION 3. AND BE IT FURTHER ENACTED**, That compliance with the prohibition of this Act against the manufacture for distribution or sale, sale, or offer for sale of handguns is not required until January 1, 1990.

**SECTION 4. AND BE IT FURTHER ENACTED**, That this Act shall take effect July 1, 1988. \* \* \* \*

Publisher's Notes:

1. Sections 28(f), and 32 were amended and added by H.B. No. 595 during 1994.
2. Section 36H-1 through 36H-6, 281A and 481E and 2-1702(e) were amended and added by S.B. 619.
3. Sections 36F and 443(h) were amended, and Sections 36I and 36J were added by H.B. No. 1131 during 1988.
4. Sections 443(l) and 481E were added by enactment of S.B. No. 531 during 1989. This law places specific semi-automatic assault weapons within State restrictions/requirements relating to handguns, and takes effect January 1, 1990.
5. All new and amended sections are included in this edition of State Laws and Published Ordinances-Firearms.

28(f). "Firearm" includes:

(1) Handgun, antique, firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those terms are defined in 36F of this article;

- (2) Regulated firearm, as defined in section 441 of this article;
- (3) Machinegun, as defined in section 372 of this article; and
- (4) Any other firearm that has not been modified to render it permanently inoperative.

### **36F. Definitions.**

(a) As used in this subheading, the following words have the meaning indicated.

(b) **"Handgun"** means any pistol, revolver, or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle, as these terms are defined below, except it does not include a shotgun, rifle, or antique firearm as those terms are defined below.

(c) **"Antique firearm"** means:

(1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) Any replica of any firearm described in paragraph (1) of this subsection if such replica:

(i) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(ii) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(d) **"Rifle"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(e) **"Short-barreled shotgun"** means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

(f) **"Short-barreled rifle"** means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

(g) **"Shotgun"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(h) **"Handgun roster"** means the roster of permitted handguns compiled by the Board under section 36J of this Article.

(i) **"Law enforcement personnel"** means:

(1) Any full-time member of a police force or other agency of the United States, a State, a county, a municipality or other political subdivision who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, a State, or of a county or municipality or other political subdivision of a State; and

(2) Any part-time member of a police force of a county or municipality who is certified by the county or municipality as being trained and qualified in the

use of handguns.

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

(k) **"Vehicle"** means any motor vehicle as defined in Title 11 of the Transportation Article, trains, aircraft, and vessels.

(l) **"Board"** means the Handgun Roster Board.

### **36H. State preemption of weapons and ammunition regulations.**

(a) **Handguns, rifles, shotguns, and ammunition.** - Except as provided in subsections (b), (c), and (d) of this section, the State of Maryland hereby preempts the rights of any county, municipal corporation, or special taxing district whether by law, ordinance, or regulation to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of the following:

(1) Handgun, defined in § 36F (b) of this article;

(2) Rifle, as defined in § 36F (d) of this article;

(3) Shotgun, as defined in § 36F (g) of this article; and

(4) Ammunition and components for the above enumerated items.

(b) **Exceptions.** - Any county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the weapons and ammunition listed in subsection (a) of this section:

(1) With respect to minors;

(2) With respect to these activities on or within 100 yards of parks, churches, schools, public buildings, and other places of public assembly; however, the teaching of firearms safety training or other educational or sporting use may not be prohibited; and

(3) With respect to law enforcement personnel of the subdivision.

(c) Authority to amend local laws or regulations. To the extent that local laws or regulations do not create an inconsistency with the provisions of this section or expand existing regulatory control, any county, municipal corporation, or special taxing district may exercise its existing authority to amend any local laws or regulations that exist before January 1, 1985.

(d) Discharge of handguns, rifles, and shotguns. In accordance with law, any county, municipal corporation, or special taxing district may continue to regulate the discharge of handguns, rifles, and shotguns, but may not prohibit the discharge of firearms at established ranges.

**36H-1. Assault Pistols.** - In this subheading, **"Assault Pistol"** means any of the following specified firearms or their copies regardless of which company produced and manufactured the firearm;

(1) AA Arms AP-9 semi-automatics;

(2) Bushmaster semi-automatic pistol;

(3) Claridge Hi-Tec, semi-automatic pistol;

(4) D Max Industries semi-automatic pistol;

(5) Encom Mk-IV, MP-9, MP-45 semi-automatic pistols;

(6) Heckler and Koch semi-automatic SP-89;

(7) Holmes MP-83 semi-automatic pistol;

(8) Ingram MAC 10/11 semi-automatics and any variation including the Partisan Avenger and the SWD Cobray;

(9) Intratec TEC-9/DC-9 in any centerfire variation;

- (10) P.A.W.S. type semi-automatic pistol;
- (11) Skorpion semi-automatic pistol;
- (12) Spectre double action semi-automatic pistol (Sile, F.I.E., Mitchell);
- (13) UZI semi-automatic pistol;
- (14) Weaver Arms semi-automatic Nighthawk pistol; and
- (15) Wilkinson semi-automatic "Linda" pistol.

**36H-2.** The prohibitions under § 36H-3 of this subheading do not apply to:

- (1) Personnel of the United States Government or any agency or Department of the United States, Members of the Armed Forces of the United States or of the National Guard, or law enforcement personnel of this State or any local agency in this State while such persons are acting within the scope of their official business;
- (2) Any firearm modified to render it permanently inoperative;
- (3) Purchases, sales, and transport to or by a licensed gun dealer or manufacturer who is:
  - (i) providing or servicing an assault pistol for law enforcement agencies or for any entity exempted under paragraph (1) of this section; or
  - (ii) acting to sell or transfer an assault pistol to a licensed gun dealer in another state;
- (4) Organizations that are required or authorized by Federal law or regulations governing their specific business or activity to maintain assault pistols and applicable ammunition;
- (5) The receipt of an assault pistol by inheritance if the decedent lawfully possessed the assault pistol; or
- (6) The receipt of an assault pistol by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate.

**36H-3. Transportation; possession, sale, transfer or purchase as of June 1, 1994.**

**(a) Transportation; possession, transfer or purchase.** - Subject to the provisions of this subheading and except as provided in subsection (b) of this section, on or after June 1, 1994, a person may not:

- (1) Transport an assault pistol into the State; or
- (2) Possess, sell, offer to sell, transfer, purchase, or receive an assault pistol in the State.

**(b) Lawful possession.** - A person who lawfully possesses an assault pistol before June 1, 1994 may continue to possess the assault pistol if the person registers the assault pistol with the Secretary of the Maryland State Police before August 1, 1994.

**36H-4. Seizure and disposition.** - Any assault pistol transported, sold, transferred, purchased, received, or possessed in violation of this subheading may be seized by a law enforcement agency as contraband and disposed of according to regulation.

**36H-5. Detachable magazines.**

**(A)** This section does not apply to:

- (1) The personnel or to the agencies specified under § 36H-1(1) through (4) of this subheading; or

(2) A transfer described under § 36H-2(5) OR (6) of this subheading.

(B) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine for any type of firearm, except a .22 caliber rifle with a tubular magazine, if the magazine has a capacity of more than 20 rounds of ammunition.

### **36H-6. Penalties.**

(A) Any person who violates any provision of this subheading is upon conviction guilty of a misdemeanor and subject to imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

(B) Any person who uses an assault pistol, or a magazine that has a capacity of more than 20 rounds of ammunition, in the commission of any felony or any crime of violence as defined in § 441 of this article shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to any other sentence imposed by virtue of commission of the felony or misdemeanor:

(1) For a first offense, be sentenced to the Maryland Division of Correction for a term of not less than 5 nor more than 20 years, and:

(i) It is mandatory upon the court to impose no less than the minimum sentence of 5 years no part of which shall be suspended; and

(ii) Except as otherwise provided in Article 31B, § 11 of the code, the person is not eligible for parole in less than 5 years; and

(2) For a second or subsequent offense, be sentenced to the Maryland Division of Correction for a term of not less than 10 nor more than 20 years, and it is mandatory upon the court to impose no less than a minimum sentence of 10 years which shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of the felony or misdemeanor.

### **36I. Manufacture, sale or offer for sale of handguns not included on handgun roster; obliteration, removal, etc., of manufacturer's identification mark.**

(a) **Manufacture for distribution or sale generally.** - Except for the manufacture of prototype models required for design, development, testing, and approval by the Board, a person may not manufacture for distribution or sale any handgun that is not included on the handgun roster in the State.

(b) **Sale or offer for sale generally.** - A person may not sell or offer for sale in the State a handgun manufactured after January 1, 1985 that is not on the handgun roster.

(c) **Obliteration, removal, etc., of manufacturer's identification mark.**

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

(d) **Injunctions.** - The Secretary may seek a permanent or temporary injunction from a circuit court to enjoin the willful and continuous manufacture, sale, or offer for sale, in violation of this section, of a handgun not included on the handgun roster.

(e) **Rules and regulations.** - Subject to the provisions of the Administrative Procedure Act, the Secretary of the State Police shall adopt rules and regulations necessary to carry out the provisions of this section and § 36J of this subheading.

(f) **Manufacture for distribution or sale of other weapons.** - Nothing in this section shall be construed to interfere with a person's ability to manufacture, sell, or offer to sell rifles or other weapons not defined as handguns

in section 36F(b) of this article.

**(g) Violation of section.**

(1) Any person who manufactures a handgun for distribution or sale in violation of this section shall be guilty of a misdemeanor and shall be fined not more than \$10,000 for each violation.

(2) Any person or entity who sells or offers to sell a handgun in violation of this section shall be guilty of a misdemeanor and shall be fined not more than \$2,500 for each violation.

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

**(h) Liability for damages.**

(1) A person or entity may not be held strictly liable for damages of any kind resulting from injuries to another person sustained as a result of the criminal use of any firearm by a third person, unless the person or entity conspired with the third person to commit, or willfully aided, abetted, or caused the commission of the criminal act in which the firearm was used.

(2) This section may not be construed to otherwise negate, limit, or modify the doctrine of negligence or strict liability relating to abnormally dangerous products or activities and defective products.

**36J. Handgun roster; Handgun Roster Board.**

**(a) Handgun Roster Board.** -

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

(2) The Board shall consist of 9 members, appointed by the Governor with the advice and consent of the Senate, each of whom shall serve for a term of 4 years.

(3) The members of the Board shall be:

(i) The Secretary;

(ii) A representative of the Association of Chiefs of Police;

(iii) A representative of the Maryland State's Attorneys' Association;

(iv) A handgun dealer, a gunsmith, or a representative of a handgun manufacturer;

(v) A representative of the National Rifle Association or its affiliated State association, who is a resident of the State;

(vi) A representative of the Marylanders Against Handgun Abuse; and

(vii) 3 citizen members.

(4) The Secretary shall serve as Chairman of the Board.

(5) The Board shall meet at the request of the Chairman of the Board or by request of a majority of the members.

**(b) Establishment of roster; factors to consider in placing handgun on roster publication.** - (1) There is a handgun roster that the Board shall compile and publish in the Maryland Register by July 1, 1989, and thereafter maintain, of permitted handguns that are useful for legitimate sporting, self-protection, or law enforcement purposes.

(2) The Board shall consider the following characteristics of a handgun in determining whether any handgun should be placed on the handgun roster:

(i) Concealability;

(ii) Ballistic accuracy;

(iii) Weight;

(iv) Quality of materials;

(v) Quality of manufacture;

(vi) Reliability as to safety;

(vii) Caliber;

(viii) Detectability by the standard security equipment commonly used at airports or courthouses and approved by the Federal Aviation Administration for use at airports in the United States; and

(ix) Utility for legitimate sporting activities, self-protection, or law enforcement.

(3) In determining whether any handgun should be placed on the handgun roster, the Board shall carefully consider each of the characteristics listed under paragraph (2) of this subsection and may not place undue weight on any one characteristic.

(4) The Board shall semiannually:

(i) Publish the handgun roster in the Maryland Register; and

(ii) Send a copy of the handgun roster to all regulated firearm dealers that are licensed under section 443 of this article.

**(c) Placement of handgun on the roster.** - (1) The Board may place a handgun on the handgun roster upon the Board's own initiative.

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

**(d) Burden of proof and form of petition to place handgun on roster.**

(1) A person who petitions for placement of a handgun on the handgun roster shall bear the burden of proof that the handgun should be placed on the roster.

(2) A petition to place a handgun on the handgun roster shall be submitted in writing and shall be in the form and manner prescribed by the Board.

**(e) Action by Board upon petition.** - (1) Upon receipt of a petition to place a handgun on the handgun roster, the Board shall, within 45 days of receipt of the petition:

(i) Deny the petition in writing, stating the reasons for denial; or

(ii) Approve the petition and publish a description of the handgun in the Maryland Register, including notice that any objection to its inclusion in the handgun roster must be filed with the Board within 30 days.

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

**(f) Notice and hearing upon denial of petition; appeal; construction of section.** - (1)(i) If the Board denies a petition to place a handgun on the handgun roster, the Board shall notify the petitioner by certified mail, return receipt requested.

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

(2) The Board shall, within a reasonable time not to exceed 90 days after receiving a request for a hearing, both hold a hearing on the petition and issue a written final decision on the petition.

(3) The Board shall provide notice of the hearing in accordance with the Administrative Procedure Act.

(4) At a hearing held under this subsection, the petitioner shall have the burden of proving to the Board, that the handgun at issue is useful for legitimate sporting, law enforcement, or self-protection purposes, and there-

fore should be placed on the roster.

(5) Any aggrieved party of record may appeal within 30 days a final decision of the Board in accordance with the Administrative Procedure Act.

(6) Nothing in this section shall be construed as requiring the Board to test any handgun or have any handgun tested at the Board's expense.

ving an explosive or incendiary charge, mine, or other similar device.

### **Machineguns**

**372. Definitions. "Machinegun"** as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

**"Crime of violence"** applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape in any degree, mayhem, assault in the first degree, robbery, burglary in any degree, and theft.

**"Person"** applies to and includes firm, partnership, association or corporation. \* \* \* \*

**375. What constitutes aggressive purpose.** - Possession or use of a machinegun shall be presumed to be for offensive or aggressive purpose:

(a) When the machinegun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machinegun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machinegun is of the kind described in 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machinegun are found in the immediate vicinity thereof.

**376. Presence prima facie evidence of use.** - The presence of a machinegun in any room, boat, or vehicle shall be evidence of the possession or use of the machinegun by each person occupying the room, boat, or vehicle where the weapon is found.

**377. Exceptions.** - Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machineguns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, of the transportation required for that purpose;

(2) The possession of a machinegun for scientific purpose; or the possession of a machinegun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machinegun for a purpose manifestly not aggressive or offensive.

**378. Manufacturer's register; inspection of stock.** - Every manufacturer shall

keep a register of all machineguns manufactured or handled by him. This register shall show the method and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machinegun, the name, address, and occupation of the person to whom the machinegun was sold, loaned, given or delivered, or from whom it was acquired by the person to whom the machinegun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machineguns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not more than one hundred dollars.

**379. Registration of machineguns.**

**(a) In general.** - Except in the calendar year it was purchased, every machinegun in this State shall be registered with the Secretary of the State Police annually during the month of May. Also, every machinegun shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Secretary of the State Police and furnished upon application. To comply with this section the application as filed must show the make, model, serial number, caliber, type, barrel length, finish, country of origin of the gun, and the name, address, race, sex, date of birth, Maryland driver's license number, and occupation of the person in possession of the gun, from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose. \* \* \* \*

**382. Uniformity of interpretation.** - This subtitle shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**383. Short title.** This subtitle may be cited as the Uniform Machinegun Act. Minors, Selling Deadly Weapons To

**406. Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions.** Repealed by Acts 1996, chs. 561 and 562, s.2, effective October 1, 1996.

**Publisher's Note:**

**State law preempts local restrictions on possession or sale of handgun ammunition.** 67 Op. Atty Gen. (December 10, 1982).

**Regulated Firearms**

**441. Definitions.**

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

**(b) Alcohol offense.** - Means an offense under s.21-902(a),(b),or (c) of the Transportation Article.

**(c) Antique firearm.** - Means: (1) Any firearm (including any firearm with a

matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured prior to 1899; or

(2) Any replica of any firearm described in paragraph (1) of this subsection if the replica:

(i) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(ii) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(d) **Assault weapon.** - Means any of the following specific firearms or their copies regardless of which company produced and manufactured that firearm:

- (1) American Arms Spectre da Semi-automatic carbine;
- (2) AK-47 in all forms;
- (3) Algimec AGM-1 type semi-auto;
- (4) AR 100 type semi-auto;
- (5) AR 180 type semi-auto;
- (6) Argentine L.S.R. semi-auto;
- (7) Australian Automatic Arms SAR type semi-auto;
- (8) Auto ordinance Thompson M1 and 1927 semi-automatics;
- (9) Barrett light .50 cal. semi-auto;
- (10) Beretta AR70 type semi-auto;
- (11) Bushmaster semi-auto rifle;
- (12) Calico models M-100 and M-900;
- (13) CIS SR 88 type semi-auto;
- (14) Claridge HI TEC C-9 carbines;
- (15) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-Bar rifle;
- (16) Daewoo MAX 1 and MAX 2, a.k.a. AR 100, 110C, K-1, and K-2;
- (17) Dragunov Chinese made semi-auto;
- (18) Famas semi-auto (.223 caliber)
- (19) Feather AT-9 semi-auto;
- (20) FN LAR and FN FAL assault rifle;
- (21) FNC semi-auto type carbine;
- (22) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- (23) Steyr-AUG-SAA semi-auto;
- (24) Galil models AR and ARM semi-auto;
- (25) Heckler and KOCH HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- (26) Holmes model 88 shotgun;
- (27) Avtomat Kalashnikov semi-automatic rifle in any format;
- (28) Manchester Arms "Commando" MK-45, MK-9;
- (29) Mandell TAC-1 semi-auto carbine;
- (30) Mossberg model 500 Bullpup assault shotgun;
- (31) Sterling Mark 6;
- (32) P.A.W.S. carbine;
- (33) Ruger mini-14 folding stock model (.223 caliber)
- (34) SIG 550/551 assault rifle (.223 caliber)
- (35) SKS with detachable magazine;
- (36) AP-74 Commando type semi-auto;
- (37) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
- (38) Street sweeper assault type shotgun;

- (39) Striker 12 assault shotgun in all formats;
- (40) Unique F11 semi-auto type;
- (41) Daewoo USAS 12 semi-auto shotgun;
- (42) UZI 9mm carbine or rifle;
- (43) Valmet M-76 and M-78 semi-auto;
- (44) Weaver Arms "nighthawk" semi-auto carbine; or
- (45) Wilkinson Arms 9mm semi-auto "Terry".
- (e) The term "**crime of violence**" means:
  - (1) Abduction;
  - (2) Arson in the first degree;
  - (3) Assault in the first or second degree;
  - (4) Burglary in the first, second or third degree;
  - (5) Carjacking and armed carjacking;
  - (6) Escape;
  - (7) Kidnaping;
  - (8) Voluntary manslaughter;
  - (9) Maiming;
  - (10) Mayhem;
  - (11) Murder in the first or second degree;
  - (12) Rape in the first or second degree;
  - (13) Robbery;
  - (14) Robbery with a dangerous or deadly weapon;
  - (15) Sexual offense in the first, second or third degree;
  - (16) An attempt to commit any of the aforesaid offenses; or
  - (17) Assault with intent to commit any of the aforesaid offenses or any of-  
fense punishable by imprisonment for more than 1 year.
- (f) **Dealer.** - Means any person who is engaged in the business of:
  - (1) Selling, renting or transferring firearms at wholesale or retail; or
  - (2) Repairing firearms.
- (g) **Designated Law Enforcement Agency.** - Means any law enforcement agency approved and designated by the Secretary to process applications to purchase regulated firearms for secondary sales.
- (h) **Engaged in the business.** - Means any person who:
  - (1) Is licensed as a Maryland regulated firearms dealer;
  - (2) Is licensed as a federal firearms dealer;
  - (3) Devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of earning a profit through the repeated purchase and resale of firearms; or
  - (4) Repairs firearms as a regular course of trade or business.
- (i) **Firearm.** - Means:
  - (1) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the ac-  
tion of any explosive; or
  - (2) The frame or receiver of any such weapon.
- (j) **Fugitive from justice.** - Means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, the District of Columbia, or territory or possession of the United States, to avoid prosecution for a crime or to avoid testimony in any criminal proceed-  
ing.
- (k) **Gun Show.** - Means any organized gathering open to the public at which any firearm is displayed.
- (l) **Habitual drunkard.** - Means any person who has been found guilty of any

three alcohol offenses, one of which occurred within the past year.

**(m) Habitual user of controlled dangerous substance.** - Means any person who has been found guilty of two controlled dangerous substance offense, one of which occurred within the past 5 years.

**(n) Handgun.** - Means any firearm with a barrel less than 16 inches in length including signal, starter, and blank pistols.

**(o) Minor.** - Means any person under the age of 18 years.

**(p) Pepper mace.** - Means an aerosol propelled combination of highly disabling irritant pepper based products and is also known as oleoresin capsicum (O.C.) spray.

**(q) Person.** - Means an individual, partnership, association or corporation.

**(r) Regulated firearm.** - Means: **(1)** Any handgun as defined in this section; or

**(2)** Any assault weapon as defined in this section.

**(s) Regulated firearms dealer.** - Means any person who possesses a valid Maryland regulated firearms dealers license issued by the Secretary.

**(t) Rent.** - Means the temporary transfer of a regulated firearm for consideration where the firearm is taken from the firearm owner's property.

**(u) Secondary sale.** - Means any sale of a regulated firearm where neither party to the transaction is engaged in the business as defined in this subsection.

**(v) Secretary.** - Means the Secretary of the State Police or the Secretary's designee.

**(w) Straw purchase.** - Means any sale of a regulated firearm where the individual uses another person (the straw purchaser) to complete the application to purchase a regulated firearm, take initial possession of that firearm, and subsequently transfer that firearm to the individual.

**441A. Exemptions from application of subheading.** - The prohibitions of this subheading do not apply to:

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

**(2)** The transfer or possession of an antique firearm;

**(3)** Law enforcement personnel of the United States government or any agency or department of the United States, members of the armed forces of the United States or the national guard, or law enforcement personnel of this State or any local agency in this State while such persons are acting within the scope of their official duties;

**(4)** Any regulated firearm modified to render it permanently inoperative;

**(5)** Purchases, sales, and transport to or by a licensed gun dealer, manufacturer, or importer;

**(6)** Organizations that are required or authorized by federal law or regulations governing their specific business or activity to maintain firearms; or

**(7)** The receipt of a regulated firearm by inheritance, provided the heir completes an application for the purchase or transfer of a regulated firearm and forwards it to the Secretary.

**442. Sale or transfer of regulated firearms.**

**(a) Right to regulate sales preempted by State.** - All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within

the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

**(b) Straw purchase.** - (1) Except as otherwise provided in this subsection, a person may not knowingly or willfully participate in a straw purchase of a regulated firearm.

(2) The prohibitions of this subsection do not apply to a person purchasing a regulated firearm as a gift provided:

(i) The recipient of the gift is a resident of this State; and

(ii) Both the purchaser and recipient of the gift comply with the requirements under this subheading pertaining to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm, unless the gift is in the form of a gift certificate, in which case only the recipient shall comply with the requirements.

(3) If the regulated firearm is a gift to a spouse, parent, grandparent, grandchild, brother, sister, son, or daughter:

(i) An application to purchase or transfer a regulated firearm shall be completed by the recipient and forwarded to the Secretary within 5 days of receipt of the regulated firearm; and

(ii) The \$10 application fee, as provided by subsection (g) of this section, shall be waived by the Secretary.

**(c) Sale by regulated firearm dealer.** - No regulated firearm dealer shall sell, rent, or transfer any regulated firearm until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and the original copy is forwarded by the prospective seller or transferee to the Secretary.

**(d) Sale by other than regulated firearms dealer.** - (1) A person who is not a regulated firearms dealer may not sell, rent, transfer, or purchase any regulated firearm until after 7 days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and the original copy is forwarded by a regulated firearms dealer to the Secretary.

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

(3) A person who makes an application to purchase, rent, or transfer a regulated firearm by secondary sale shall pay a processing fee not to exceed \$20 to the regulated firearms dealer.

**(e) Disposition of copies of application.** - The regulated firearms dealer or designated law enforcement agency shall promptly after receiving an application to purchase, rent, or transfer, completed in accordance with subsection (h) below, forward one copy of the same, by certified mail or by facsimile machine, to the Secretary. The copy forwarded to the Secretary shall contain the name, address, and signature of the prospective seller, lessor, or transferor. The prospective seller, lessor, or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser, lessee or transferee shall be entitled to the remaining copy of the application.

**(f) Application Fee.** - (1) A person who makes an application to purchase,

rent, or transfer a regulated firearm shall pay to the regulated firearms dealer or designated law enforcement agency a \$10 application fee with the application to purchase, rent, or transfer.

(2) The regulated firearms dealer or designated law enforcement agency shall forward the \$10 application fee along with the application to the Secretary.

(3) If the regulated firearms dealer or designated law enforcement agency utilizes a facsimile machine to forward the application to the Secretary, the dealer or designated law enforcement agency shall:

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

(ii) Pay the total application fee by the 15th day of the next month.

(g) **Warning on application.** - The application to purchase, rent, or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punishable by imprisonment for a period of not more than three years, or a fine of not more than \$5,000, or both."

(h) **Contents of application.** - The application to purchase, rent, or transfer shall contain the following information:

(1) Applicant's name, address, driver's or photographic identification soundex number, Social Security number, occupation, place and date of birth, height, weight, race, eye and hair color and signature and regulated firearm information for each firearm to be purchased, rented, or transferred. In the event the applicant is a corporation, the applicant shall be completed and executed by a corporate officer who is a resident of this State.

(2) A statement by the applicant under the penalties of perjury that he or she: (i) Has never been convicted of:

1. A crime of violence;

2. Any violation classified as a felony in this State;

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

4. Any violation classified as a common law offense where the person received a term of imprisonment of more than 2 years.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of any controlled dangerous substances.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a regulated firearm without undue danger to himself or herself, or to others.

(vi) Is at least 21 years of age.

(vii) Is not a respondent against whom a current non ex parte civil protective order has been entered under s.4-506 of the Family Law Article.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser, lessee, or transferee.

(i) **Investigation of applicant.** - [Contact the Secretary for specifics]. \* \*

(j) **Limitations on sale.** - (1) No regulated firearms dealer or person shall

sell, rent, or transfer a regulated firearm to an applicant whose application has been placed on hold because of an open disposition of criminal proceedings against the applicant or disapproved, unless such disapproval has been subsequently withdrawn by the Secretary or overruled by the action of the courts pursuant to subsection (k) of this section.

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

**(k) Hearing; judicial review.** - (1) Any prospective purchaser, lessee, or transferee aggrieved by the action of the State Police may request a hearing within 30 days. \* \* \* \*

**(l) Notice of completed transaction.** - Any regulated firearms dealer or person who sells, rents, or transfers a regulated firearm in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the regulated firearm, to the Secretary, whose duty it shall be to maintain a permanent record of all such completed sales, rentals, and transfers of regulated firearms in the State. The notification shall contain an identifying description of the regulated firearm sold, rented, or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the regulated firearm may be identified.

**(m) Sale must be completed within 90 days.** - (1) A regulated firearms dealer or person shall complete the sale, rental, or transfer of a regulated firearm within 90 days of the date the application of the prospective purchaser, lessee, or transferee was stamped by the Secretary as not being disapproved.

(2) A regulated firearms dealer or person shall within 7 days, return to the Secretary any application for which the sale, rental, or transfer of a regulated firearm was not completed within 90 days of the date the application was stamped by the Secretary as not being disapproved. All such applications returned to the Secretary shall be voided as an incomplete sale, rental, or transfer.

**(n) Construction of section.** - Nothing in this section shall be construed to affect sales and/or transfers for bona fide resale in the ordinary course of business of a person duly licensed under s.443 of this subtitle, or sales, rentals, transfer, and/or the use of regulated firearms by any person authorized or required to sell, rent, transfer, and/or use regulated firearm as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard.

#### **442A. Purchase of firearms in a 30-day period.**

**(a) Purchase limited to one regulated firearm; exceptions.** - (1) Except as provided in this subsection, a person may not purchase more than one regulated firearm in a 30-day period.

(2) The provisions of this subsection do not apply to:

(i) A law enforcement agency;

(ii) An agency duly authorized to perform law enforcement duties;

(iii) State or local correctional facilities;

(iv) A private security company licensed to do business with the State;

(v) The purchase of antique firearms as defined in s.441 of this article;

(vi) Purchases by a licensed firearms dealer;

(vii) The exchange or replacement of a regulated firearm by a seller for a regulated firearm purchased from the seller by the same person seeking the exchange or replacement within the 30-day period immediately preceding the date of exchange or replacement; or

(viii) A person whose regulated firearm is stolen or irretrievably lost and who considers it essential that the regulated firearm be replaced immediately, if:

1. The person provides the licensed regulated firearms 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;

2. The official police report or official summary of the report contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, the date of the loss or theft, and the date which the loss or theft was reported to the law enforcement agency;

3. The date of the loss or theft as reflected on the official police report or official summary of the report occurred within 30 days of the person's attempt to replace the regulated firearm.

**(b) Purchase of more than one regulated firearm. - (1)** Upon application for a multiple purchase to and approval by the Secretary, purchases in excess of one regulated firearm in a 30-day period may be made under the following circumstances:

(i) The purchase of the regulated firearms is for a private collection or is a collector series;

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

(iii) The purchase of not more than two regulated firearms is a multiple purchase for the purpose of taking advantage of a regulated firearms dealer's discounted price available only for a multiple purchase, provided that the purchaser is prohibited from purchasing a regulated firearm the following 30-day period unless approved for a multiple purchase under item (i) or (ii) of this paragraph; or

(iv) Other similar purposes.

**(2)** The application shall: (i) Contain a list of the regulated firearms to be purchased or transferred;

(ii) State the purpose of the purchase in excess of one regulated firearm in a 30-day period;

(iii) Be witnessed by a regulated firearms dealer or designated law enforcement agency, and

(iv) Be signed under the penalties of perjury by the applicant.

**(c) Application for purchase of more than one regulated firearm. -** The application for a multiple purchase of regulated firearms shall be attached to a completed application to purchase a regulated firearm and forwarded to the Secretary by a licensed regulated firearms dealer or designated law enforcement agency.

**(d) Background investigation. -** Upon receipt of the application to purchase a regulated firearm and the application for a multiple purchase, the Secretary shall complete a background investigation as defined in s.442 of this subtitle.

**(e) Sale to disapproved applicant prohibited.** - A dealer or person may not sell, rent, or transfer any regulated firearms to a person whose application has been placed on hold because of an open disposition or criminal proceedings against the applicant or disapproved, unless the hold or disapproval has been subsequently withdrawn by the Secretary or overruled by actions of the courts.

#### **443. Regulated firearms dealer's license.**

**(a) Required.** - No person shall engage in the business of selling, renting or transferring regulated firearms unless he lawfully possesses and conspicuously displays at his place of business, in addition to any other license required by law, a regulated firearms dealer's license issued by the Secretary. Such license shall identify the licensee and the location of the licensee's place of business. One such license shall be required for each place of business where pistols or revolvers are sold. \* \* \* \*

**(c) Warning on application.** - Every annual application for a regulated firearms dealer's license shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than three years, or a fine of not more than \$5,000, or both."

**(d) Contents of application.** - The application for a regulated firearms dealer's license shall contain the following information:

**(1)** Applicant's name, address, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of this State.

**(2)** A clear and recognizable photograph of the applicant, except where such photograph has been submitted with a prior year's application.

**(3)** A set of the applicant's fingerprints, except where such fingerprints have been submitted with a prior year's application.

**(4)** A statement by the applicant that he or she:

**(i)** Is a citizen of the United States.

**(ii)** Is at least 21 years of age.

**(iii)** Has never been convicted of:

1. A crime of violence;

2. Any violation classified as a felony in this State;

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

4. Any violations classified as a common law where the person received penalty of more than 2 years.

**(iv)** Is not a fugitive from justice.

**(v)** Is not an habitual drunkard.

**(vi)** Is not an addict or a habitual user of any controlled dangerous substances.

**(vii)** Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others. \* \* \* \*

**(i) Revocation of license.** - The Secretary shall revoke an issued regulated

firearms dealer's license, by written notification forwarded to the licensee, under any of the following circumstances:

- (1) When it is discovered false information or statements have been supplied or made in an application required by this section.
- (2) If the licensee:
  - (i) Is convicted of a crime of violence;
  - (ii) Is convicted of any violation classified as a felony in this State;
  - (iii) Is convicted of any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years;
  - (iv) Is convicted of any violation classified as a common law offense where the licensee received a term of imprisonment of more than 2 years;
  - (v) Is a fugitive from justice;
  - (vi) Is a habitual drunkard;
  - (vii) Is addicted to or an habitual user of any controlled dangerous substance;
  - (viii) Has spent more than 30 consecutive days in any medical institution for treatment of a mental disorder or disorders, unless the licensee produces a physician's certificate, issued subsequent to the last period of institutionalization, certifying that the licensee is capable of possessing a regulated firearm without undue danger to himself or herself, or to others;
  - (ix) Has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of s.36I of this article; or
  - (x) Has knowingly or willingly participated in a straw purchase of a regulated firearm.

**(j) Effect of suspension or revocation.** - No person shall engage in the business of selling regulated firearms whose regulated firearms dealer's license has been revoked, unless such revocation has been subsequently withdrawn by the Secretary or overruled by the action of the courts pursuant to subsection (k) below.

**(k) Hearing; judicial review.** - Any prospective dealer aggrieved by the action of the Secretary may request a hearing within thirty (30) days from the date when written notice was forwarded to such aggrieved person by writing to the Secretary, who shall grant the hearing within fifteen (15) days of said request. Said hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act. A suspension or revocation shall not take effect while an appeal is pending. \* \* \* \*

**443A. Sale or transfer of regulated firearm at gun show.**

**(a) Temporary transfer permit. -**

(1)(i) A person who displays a regulated firearm for sale or transfer from a table or fixed display at a gun show shall first obtain a temporary transfer permit from the Secretary. \* \* \* \*

(4) The temporary transfer permit shall be placed in public view as part of any display.

(5) Any person who holds a valid pistol and revolver dealer's license issued under § 443 of this article is exempt from the requirements of this subsection. \* \* \* \*

**444. Obliterating, etc., identification mark or number.** - It shall be unlawful for anyone to obliterate, remove, change or alter the manufacturer's

identification mark or number on any firearms. Whenever on trial for violation of this section the defendant is shown to have or have had possession of any such firearms, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number.

**445. Restrictions on sale, transfer and possession of regulated firearms.**

**(a) Rights of subordinate jurisdictions.** - All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of regulated firearms are superseded by this section and the State of Maryland hereby pre-empts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

**(b) Sale, rent, or transfer by dealer or person - In general.** - A dealer or person may not sell, rent, or transfer a regulated firearm to any person whom he knows or has reasonable cause to believe:

- (1) Has been convicted of:
  - (i) A crime of violence;
  - (ii) Any violation classified as a felony in this State or any conspiracy to commit any crimes established by those sections;
  - (iii) Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; or
  - (iv) Any violations classified as a common law offense where the person received a term of imprisonment of more than 2 years.
- (2) Is:
  - (i) A fugitive from justice;
  - (ii) A habitual drunkard;
  - (iii) Addicted to or a habitual user of any controlled dangerous substance or substances; or
  - (iv) Suffering from a mental disorder as defined in § 10-101(f)(2) of the Health-General Article and has a history of violent behavior against another person or self, or has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health-General Article, unless the person possesses a physician's certification that the person is capable of possessing a regulated firearm without undue danger to the person or to others,
  - (v) Visibly under the influence of alcohol or drugs;
  - (vi) Under 21 years of age;
  - (vii) A participant in a "straw purchase" as defined in s.441 of this article;
  - (viii) A respondent against whom a current non ex parte civil protective order has been entered under s.4-506 of the Family Law Article.

**(c) Same - Minors.** - A person may not sell, rent, or transfer:

- (1) Ammunition solely designed for a regulated firearm to a person who is under 21 years of age; or
- (2) A firearm, other than a regulated firearm, ammunition for a firearm,\* \* \* to a minor.

**(d) Restrictions on possession - In general.** - A person may not possess a regulated firearm if the person:

- (1) Has been convicted of:
  - (i) A crime of violence;
  - (ii) Any violation classified as a felony in this State;

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

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

(2) Is: (i) A fugitive from justice;

(ii) A habitual drunkard;

(iii) Addicted to or a habitual user of any controlled dangerous substance or substances; or

(iv) Suffering from a mental disorder as defined in § 10-101(f)(2) of the Health-General Article and has a history of violent behavior against another person or self, or has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health-General Article, unless the person possesses a physician's certification that the person is capable of possessing a regulated firearm without undue danger to the person or to others,

(v) A respondent against whom a current non ex parte civil protective order has been entered under s.4-506 of the Family Law Article.

(e) **Same - Minor.** - (1) Except as provided in paragraph (2) of this subsection, a person who is under 21 years of age may not possess a regulated firearm or ammunition solely designated for a regulated firearm.

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

(i) The temporary transfer or possession of a regulated firearm or regulated firearm ammunition if the person is under 21 years of age and is:

1. Under the supervision of a person at least 21 years of age who is not prohibited by State or federal law from possessing firearms; and
2. Acting with the permission of the parent or legal guardian of the transferee or person in possession;

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

(iv) The temporary transfer or possession of a regulated firearm or regulated firearm ammunition if the person is under 21 years of age and is:

1. Participating in marksmanship training of a recognized organization; and
2. Under the supervision of a qualified instructor;

(v) A person who is required to possess a regulated firearm for employment purposes and has been issued a permit under s.36E of this article; or

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

**445A. Purchase of regulated firearms from out-of-state seller.**

(a) **In general.** - Any person who purchases a regulated firearm from an out-of-state licensed importer, licensed manufacturer, or licensed dealer where the regulated firearm will be owned by that person shall:

- (1) Have the license importer, licensed manufacturer, or licensed dealer ship the regulated firearm to a regulated firearms dealer in the State for processing; and
- (2) Comply with ss.442 and 442A of this subheading.

(b) **Waiting period waived for law enforcement personnel.** - The Secretary may waive the 7-day waiting period for law enforcement personnel of the United

States government or any agency or department of the United States, members of the armed forces of the United States or of the national guard, or law enforcement personnel of this State or any local agency in this State when the person is purchasing the regulated firearm for use within the scope of his or her official duties.

**445B. Firearms subject to seizure.** - Any regulated firearm sold, rented, transferred, possessed, or purchased in violation of this subheading may be seized by a law enforcement agency as contraband and, after a finding of guilt, disposed of according to the regulations of the seizing law enforcement agency.

**446. Sale, transfer, etc., of stolen regulated firearm.** - It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen regulated firearm, knowing or having reasonable cause to believe same to have been stolen.

**447. Antique or unserviceable firearm excepted.** - The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

**448. Regulations.** - The Secretary shall promulgate regulations to carry out the provisions of this subheading.

**449. Penalties.** - (a) Any person violating any of the provisions of this subtitle unless otherwise stated herein is guilty of a misdemeanor and shall upon conviction be fined not more than (\$1,000) or imprisoned for not more than one year, or both.

(b) Any person who knowingly gives false information or makes any material misstatement in an application to purchase a regulated firearm or an application for a regulated firearms dealer's license shall be guilty of a misdemeanor and upon conviction be fined not more than \$5,000 or imprisoned for not more than 3 years, or both.

(c) Any person who violates any of the provisions of s.442A of this subheading is guilty of a misdemeanor and shall upon conviction be fined not more than \$5,000 or imprisoned not more than 3 years or both.

(d) Any person or dealer who is a knowing participant in a straw purchase of a regulated firearm to a prohibited person or to a minor, or transports regulated firearms into this State for the purpose of illegal sale or trafficking of a regulated firearm shall be guilty of a misdemeanor and upon conviction by fined not more than \$25,000 or imprisoned for not more than 10 years, or both. Each violation shall be considered a separate offense.

(e) Except as otherwise provided in this section, any dealer or person who knowingly participates in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subheading shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$10,000 or imprisoned for not more than 5 years, or both. Each violation shall be considered a separate offense.

**481C. Short-barreled rifles and short-barreled shotguns.**

(a) **Definitions.**

- (1) In this section, the following words have the meanings indicated:
- (2) "Rifle" \* \* \* [is defined in § 36F(d)]
- (3) "Short-barreled shotgun" \* \* \* [is defined in § 36F(e)]
- (4) "Short-barreled rifle" \* \* \* [is defined in § 36F(f)]
- (5) "Shotgun" \* \* \* [is defined in § 36F(g)]
- (6) The terms short-barreled shotgun and short-barreled rifle do not include:
- (i) Antique firearms as defined in § 36F(c) of this article;
- (ii) Any device which is neither designed nor redesigned for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or
- (iii) Any firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.
- (b) Possession of short-barreled rifle or short-barreled shotgun prohibited.** Except as provided in subsection (c), a person may not possess a short-barreled rifle or short-barreled shotgun.
- (c) Exceptions; registration.** - The provisions of subsection (b) of this section do not apply to the following individuals, while on official business:
- (i) Law enforcement personnel of the United States or of this State, or of any political subdivision of this State;
- (ii) A member of the armed forces of the United States or the national guard while on duty or traveling to or from duty;
- (iii) Law enforcement personnel of another state or of a political subdivision of another state, while temporarily in this State;
- (iv) A jailer, prison guard, warden, or guard or keeper of any penal, correctional, or detention institution in this State; and
- (v) A sheriff, and a temporary or full-time deputy sheriff.
- (2) A person may possess a short-barreled shotgun or short-barreled rifle which has been registered with the United States government in accordance with United States statutes. In any prosecution under this section, the defendant has the burden of proving the lawful registration of the short-barreled shotgun or short-barreled rifle.
- (d) Penalty.** - Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding five years, or both. \* \* \* \*

**481E. Assault Weapons. Repealed by Acts 1996, ch 561, s.1 and ch. 562, s.1, effective October 1, 1996.**

**Publisher's Notes:**

1. The following jurisdiction requires a waiting period and notification to law enforcement officials before weapons may be delivered to purchasers [The asterisk (\*) indicates another listing]

Cumberland\* (2 days)

2. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdiction [The asterisk (\*) indicates another listing]

Cumberland\*

3. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (\*) next to a name indicates another listing]

Annapolis\*

Baltimore County\*

Prince George's County

4. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [The asterisk (\*) indicates another listing]

Annapolis\* (b)

5. The following jurisdiction holds parents/guardians of underage persons liable for acts wrongfully committed with firearms [The asterisk (\*) indicates another listing]

Baltimore County\*