

SENATE BILL 948

E4
SB 947/16 – JPR

7lr0689

By: **Senators Smith, Madaleno, Currie, Guzzone, Kagan, King, McFadden,
Nathan–Pulliam, Robinson, Rosapepe, Young, and Zucker**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Rifles and Shotguns – Secondary Transactions**

3 FOR the purpose of providing that a person who is not a certain licensee may not complete
4 the transfer of a certain rifle or shotgun in a certain role, except under certain
5 circumstances; requiring, before a certain transfer is conducted, the transferor and
6 transferee to meet jointly with a certain licensee and request that the licensee
7 facilitate the transfer; requiring a certain licensee to take certain actions when
8 facilitating a certain transfer; authorizing a certain transferor to remove a certain
9 rifle or shotgun from certain premises under certain circumstances; prohibiting a
10 certain licensee and transferor from completing a certain transfer if a certain
11 background check has a certain result; authorizing a certain transferor to remove a
12 certain rifle or shotgun from certain premises if a certain background check has a
13 certain result; authorizing a certain licensee to charge a reasonable fee for
14 facilitating a certain transfer; establishing certain penalties for violating this Act
15 and for providing false information while conducting a transfer under this Act;
16 excluding certain transfers from the scope of this Act; defining certain terms; and
17 generally relating to rifles and shotguns.

18 BY repealing and reenacting, with amendments,
19 Article – Public Safety
20 Section 5–201
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2016 Supplement)

23 BY adding to
24 Article – Public Safety
25 Section 5–204.1
26 Annotated Code of Maryland
27 (2011 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Public Safety

5–201.

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

**(B) “ANTIQUE FIREARM” HAS THE MEANING STATED IN § 4–201 OF THE
CRIMINAL LAW ARTICLE.**

**(C) “DEALER’S LICENSE” MEANS A STATE–REGULATED FIREARMS
DEALER’S LICENSE.**

**(D) “IMMEDIATE FAMILY MEMBER” MEANS A SPOUSE, A PARENT, A
STEPPARENT, A GRANDPARENT, AN AUNT, AN UNCLE, A SIBLING, A STEPSIBLING, A
CHILD, A STEPCHILD, A GRANDCHILD, A NIECE, OR A NEPHEW, AS RELATED BY
BLOOD OR MARRIAGE.**

(E) “LICENSEE” MEANS A PERSON WHO HOLDS A DEALER’S LICENSE.

[(b)] (F) “Rifle” has the meaning stated in § 4–201 of the Criminal Law Article.

**[(c)] (G) “Short–barreled rifle” has the meaning stated in § 4–201 of the
Criminal Law Article.**

**[(d)] (H) “Short–barreled shotgun” has the meaning stated in § 4–201 of the
Criminal Law Article.**

**[(e)] (I) “Shotgun” has the meaning stated in § 4–201 of the Criminal Law
Article.**

**(J) “SPORT SHOOTING RANGE” HAS THE MEANING STATED IN § 5–403.1 OF
THE COURTS ARTICLE.**

**(K) “TRANSFER” MEANS A SALE, A RENTAL, A FURNISHING, A GIFT, A LOAN,
OR ANY OTHER DELIVERY, WITH OR WITHOUT CONSIDERATION.**

**(L) “TRANSFeree” MEANS A PERSON WHO RECEIVES OR INTENDS TO
RECEIVE A FIREARM IN A TRANSFER.**

**(M) “TRANSFEROR” MEANS A PERSON WHO DELIVERS OR INTENDS TO
DELIVER A FIREARM IN A TRANSFER.**

1 **5-204.1.**

2 **(A) THIS SECTION DOES NOT APPLY TO A TRANSFER:**

3 **(1) INVOLVING A LICENSEE OR A FEDERALLY LICENSED GUN**
4 **MANUFACTURER, DEALER, OR IMPORTER;**

5 **(2) BETWEEN IMMEDIATE FAMILY MEMBERS;**

6 **(3) INVOLVING LAW ENFORCEMENT PERSONNEL OF ANY UNIT OF THE**
7 **FEDERAL GOVERNMENT, A MEMBER OF THE ARMED FORCES OF THE UNITED**
8 **STATES, A MEMBER OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL**
9 **OF THE STATE OR ANY LOCAL AGENCY IN THE STATE, WHILE ACTING IN THE SCOPE**
10 **OF OFFICIAL DUTY;**

11 **(4) OF A CURIO OR RELIC FIREARM BETWEEN COLLECTORS, EACH OF**
12 **WHOM POSSESSES A VALID COLLECTOR OF CURIO AND RELICS LICENSE, AS THE**
13 **TERMS ARE DEFINED IN FEDERAL LAW OR DETERMINATIONS PUBLISHED BY THE**
14 **BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES;**

15 **(5) THAT IS TEMPORARY AND NECESSARY TO PREVENT IMMINENT**
16 **DEATH OR SERIOUS BODILY HARM IF THE TRANSFER LASTS ONLY AS LONG AS**
17 **NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY HARM;**

18 **(6) THAT OCCURS BY OPERATION OF LAW ON THE DEATH OF A PERSON**
19 **FOR WHOM THE TRANSFEREE IS AN EXECUTOR, AN ADMINISTRATOR, A TRUSTEE, OR**
20 **A PERSONAL REPRESENTATIVE OF AN ESTATE OR A TRUST CREATED IN A WILL;**

21 **(7) THAT IS OF AN UNSERVICEABLE RIFLE OR SHOTGUN**
22 **TRANSFERRED AS A CURIO OR MUSEUM PIECE;**

23 **(8) THAT IS OF A RIFLE OR SHOTGUN MODIFIED TO RENDER IT**
24 **PERMANENTLY INOPERATIVE; OR**

25 **(9) THAT IS TEMPORARY, OCCURS UNDER CIRCUMSTANCES IN WHICH**
26 **THE TRANSFEROR HAS NO REASON TO BELIEVE THAT THE TRANSFEREE INTENDS TO**
27 **USE THE RIFLE OR SHOTGUN IN THE COMMISSION OF A CRIME OR TO ALLOW**
28 **ANOTHER PERSON TO USE THE RIFLE OR SHOTGUN, AND TAKES PLACE**
29 **EXCLUSIVELY:**

30 **(I) AT AN ESTABLISHED SPORT SHOOTING RANGE OPERATED IN**
31 **ACCORDANCE WITH THE LOCAL LAW OF THE JURISDICTION IN WHICH THE RANGE IS**
32 **LOCATED;**

1 (II) DURING A LAWFULLY ORGANIZED COMPETITION
2 INVOLVING THE USE OF A RIFLE OR SHOTGUN;

3 (III) DURING A PERFORMANCE OR A PRACTICE FOR A
4 PERFORMANCE BY AN ORGANIZED GROUP THAT USES RIFLES OR SHOTGUNS AS PART
5 OF THE PERFORMANCE;

6 (IV) WHILE THE TRANSFEREE IS HUNTING OR TRAPPING IF THE
7 HUNTING OR TRAPPING IS LEGAL IN ALL PLACES AND AT ALL TIMES WHEN THE
8 HUNTING OR TRAPPING IS CONDUCTED AND THE TRANSFEREE HOLDS ANY LICENSE
9 OR PERMIT REQUIRED FOR THE HUNTING OR TRAPPING; OR

10 (V) IN THE ACTUAL PRESENCE OF THE TRANSFEROR.

11 (B) A PERSON WHO IS NOT A LICENSEE MAY NOT COMPLETE THE TRANSFER
12 OF A RIFLE OR SHOTGUN OTHER THAN A REGULATED FIREARM, AS A TRANSFEREE
13 OR TRANSFEROR, UNLESS THE PERSON IS IN COMPLIANCE WITH THIS SECTION.

14 (C) (1) BEFORE A TRANSFER IS CONDUCTED, THE TRANSFEROR AND
15 TRANSFEREE SHALL MEET JOINTLY WITH A LICENSEE AND REQUEST THAT THE
16 LICENSEE FACILITATE THE TRANSFER.

17 (2) (I) A LICENSEE WHO AGREES TO FACILITATE A TRANSFER
18 UNDER THIS SECTION SHALL PROCESS THE TRANSFER AS THOUGH TRANSFERRING
19 THE RIFLE OR SHOTGUN FROM THE LICENSEE'S OWN INVENTORY TO THE
20 TRANSFEREE.

21 (II) THE LICENSEE SHALL COMPLY WITH ALL FEDERAL AND
22 STATE LAW THAT WOULD APPLY TO THE TRANSFER, INCLUDING ALL BACKGROUND
23 CHECK AND RECORD-KEEPING REQUIREMENTS.

24 (D) NOTWITHSTANDING ANY OTHER REQUIREMENTS OF LAW, THE
25 TRANSFEROR MAY REMOVE THE RIFLE OR SHOTGUN FROM THE PREMISES OF THE
26 LICENSEE OR A GUN SHOW WHILE A BACKGROUND CHECK IS BEING CONDUCTED,
27 BUT MUST SUBSEQUENTLY DELIVER THE RIFLE OR SHOTGUN TO THE LICENSEE TO
28 COMPLETE THE TRANSFER.

29 (E) (1) THE LICENSEE OR THE TRANSFEROR MAY NOT COMPLETE THE
30 TRANSFER TO THE TRANSFEREE IF THE RESULTS OF THE BACKGROUND CHECK
31 INDICATE THAT THE TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN.

1 **(2) IF THE RESULTS OF THE BACKGROUND CHECK INDICATE THAT**
2 **THE TRANSFEREE MAY NOT POSSESS THE RIFLE OR SHOTGUN, THE TRANSFEROR**
3 **MAY REMOVE THE RIFLE OR SHOTGUN FROM THE PREMISES OF THE LICENSEE OR A**
4 **GUN SHOW.**

5 **(F) A LICENSEE MAY CHARGE A REASONABLE FEE FOR FACILITATING A**
6 **TRANSFER UNDER THIS SECTION.**

7 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
8 **PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**
9 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE**
10 **NOT EXCEEDING \$10,000 OR BOTH.**

11 **(2) A PERSON WHO PROVIDES FALSE INFORMATION WHILE**
12 **CONDUCTING A TRANSACTION UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR**
13 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A**
14 **FINE NOT EXCEEDING \$5,000 OR BOTH.**

15 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
16 **October 1, 2017.**