

SENATE BILL 444

E1
SB 1097/24 – JPR

5lr1309

By: **Senator Smith**

Introduced and read first time: January 21, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 12, 2025

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Gun Buyback Programs – Destruction of Firearms**

3 FOR the purpose of requiring a ~~person or an entity~~ federal firearms licensee or law
4 enforcement agency operating a gun buyback program to destroy ~~a~~ each firearm,
5 including all components and parts attached to the firearm, that is traded in at a
6 certain gun buyback program; authorizing a certain person or entity to contract with
7 a law enforcement agency, ~~an organization~~, or a business to destroy certain firearms;
8 requiring the Secretary of State Police to revoke a certain person's dealer's license if
9 the person violates the provisions of this Act; prohibiting a person from operating a
10 gun buyback program, except in accordance with certain requirements; requiring a
11 law enforcement agency operating a gun buyback program to make reasonable
12 efforts to determine whether a firearm is a crime firearm or has been reported lost
13 or stolen before the firearm or its component parts may be destroyed; and generally
14 relating to gun buyback programs.

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 5–114(b)
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2024 Supplement)

20 BY adding to
21 Article – Public Safety
22 Section 5–901 ~~and 5–902~~ through 5–904 5–905 to be under the new subtitle “Subtitle
23 9. Gun Buyback Programs”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Annotated Code of Maryland
(2022 Replacement Volume and 2024 Supplement)

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

Article – Public Safety

5–114.

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

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

(2) the licensee:

(i) is convicted of a disqualifying crime;

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

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

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

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

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

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

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

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

(XI) VIOLATES SUBTITLE 9 OF THIS TITLE.

SUBTITLE 9. GUN BUYBACK PROGRAMS.

5-901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

(C) "GUN BUYBACK PROGRAM" MEANS A PROGRAM THAT IS OPERATED BY A FEDERAL FIREARMS LICENSEE OR A LAW ENFORCEMENT AGENCY THAT:

(1) ALLOWS FIREARM OWNERS TO VOLUNTARILY SURRENDER FIREARMS;

(2) IS OPERATED, EITHER EXPLICITLY OR IMPLIEDLY, FOR THE PURPOSE OF REDUCING THE NUMBER OF FIREARMS IN A COMMUNITY; AND

(3) ADVERTISES THAT FIREARMS THAT ARE SURRENDERED TO THE PROGRAM WILL BE DESTROYED OR MADE PERMANENTLY INOPERABLE. ~~A PUBLIC OR PRIVATE PERSON OR ENTITY THAT ALLOWS FIREARM OWNERS TO VOLUNTARILY TRADE IN THEIR FIREARMS FOR COMPENSATION.~~

(D) "SECRETARY" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

5-902.

(A) THIS SECTION DOES NOT APPLY TO A FIREARM IF A LAW ENFORCEMENT AGENCY DETERMINES THAT THE FIREARM IS STOLEN OR IS EVIDENCE OF A CRIME.

~~(A)~~ (B) (1) (i) SUBJECT TO SUBPARAGRAPH (ii) OF THIS PARAGRAPH, A ~~PERSON OR AN ENTITY~~ FEDERAL FIREARMS LICENSEE OR LAW ENFORCEMENT AGENCY OPERATING A GUN BUYBACK PROGRAM SHALL DESTROY ~~A~~ EACH FIREARM, INCLUDING EVERY COMPONENT AND PART ATTACHED TO THE FIREARM, THAT IS ~~TRADED IN~~ SURRENDERED TO THE FEDERAL FIREARMS LICENSEE OR LAW ENFORCEMENT AGENCY AT A GUN BUYBACK PROGRAM.

(ii) THE DESTRUCTION REQUIRED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH SHALL MAKE THE FIREARM AND EVERY COMPONENT AND PART ATTACHED TO THE FIREARM PERMANENTLY INOPERABLE AND UNREPAIRABLE.

(2) ~~A PERSON OR AN ENTITY~~ FEDERAL FIREARMS LICENSEE OR LAW ENFORCEMENT AGENCY MAY CONTRACT WITH A LAW ENFORCEMENT AGENCY, ~~AN~~

~~ORGANIZATION~~, OR A BUSINESS TO SATISFY THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(B) (C)~~ ~~A PERSON OR AN ENTITY~~ FEDERAL FIREARMS LICENSEE OR LAW ENFORCEMENT AGENCY THAT VIOLATES THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 PER VIOLATION.

~~(C) (D)~~ IF A PERSON VIOLATES THIS SECTION AND THE PERSON HOLDS A DEALER'S LICENSE UNDER § 5-106 OF THIS TITLE:

(1) THE PERSON SHALL BE SUBJECT TO THE PENALTY PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND

(2) THE SECRETARY SHALL REVOKE THE PERSON'S DEALER'S LICENSE IN ACCORDANCE WITH § 5-114 OF THIS TITLE.

5-903.

(A) A PERSON MAY NOT OPERATE A GUN BUYBACK PROGRAM, EXCEPT IN ACCORDANCE WITH § 5-902 OF THIS SUBTITLE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.

5-904.

A LAW ENFORCEMENT AGENCY THAT RECEIVES A FIREARM AS PART OF A GUN BUYBACK PROGRAM UNDER THIS SUBTITLE SHALL MAKE REASONABLE EFFORTS TO DETERMINE WHETHER THE FIREARM IS A CRIME FIREARM OR HAS BEEN REPORTED AS LOST OR STOLEN BEFORE THE FIREARM OR ITS COMPONENT PARTS MAY BE DESTROYED AS REQUIRED UNDER § 5-902 OF THIS SUBTITLE.

5-905.

NOTHING IN THIS SUBTITLE MAY BE INTERPRETED AS AN EXCEPTION TO ANY OTHER REQUIREMENT OR RESTRICTION UNDER STATE OR FEDERAL LAW RELATING TO THE PURCHASE, RENTAL, LOAN, OR TRANSFER OF A FIREARM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.