

HOUSE BILL 96

E4
HB 1031/18 – JUD

9lr1398

By: **Delegate Dumais**
Introduced and read first time: January 18, 2019
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2019

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Regulated Firearms – ~~Transfer~~ Prohibition of Loans**

3 FOR the purpose of ~~providing that, for certain purposes, the term “transfer” includes a loan~~
4 ~~other than a certain exchange of a regulated firearm between two individuals under~~
5 ~~certain circumstances;~~ prohibiting a certain dealer or other person from loaning a
6 regulated firearm to a certain borrower under certain circumstances; prohibiting a
7 certain dealer or other person from selling, renting, loaning, or transferring a
8 regulated firearm to a certain person who the dealer or other person knows or has
9 reason to believe intends to commit a certain crime or cause certain harm; creating
10 a certain exception to a certain prohibition on selling, renting, loaning, or
11 transferring a regulated firearm to a person under a certain age; making certain
12 conforming changes; and generally relating to regulated firearms.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section ~~5-124~~ 5-134(b)
16 Annotated Code of Maryland
17 (2018 Replacement Volume)

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

Article – Public Safety

20 ~~5-124.~~

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.



1 ~~(A) IN THIS SECTION, "TRANSFER" INCLUDES A LOAN OTHER THAN A~~
2 ~~TEMPORARY GRATUITOUS EXCHANGE OF A REGULATED FIREARM BETWEEN TWO~~
3 ~~INDIVIDUALS WHO REMAIN IN THE SAME LOCATION FOR THE DURATION OF THE~~
4 ~~EXCHANGE.~~

5 ~~[(a)] (B) (1) A person who is not a licensee may not sell, rent, transfer, or~~
6 ~~purchase a regulated firearm until after 7 days following the time a firearm application is~~
7 ~~executed by the firearm applicant, in triplicate, and the original is forwarded by a licensee~~
8 ~~to the Secretary.~~

9 ~~(2) As an alternative to completing a secondary sale of a regulated firearm~~
10 ~~through a licensee, a prospective seller, lessor, or transferor and a prospective purchaser,~~
11 ~~lessee, or transferee may complete the transaction through a designated law enforcement~~
12 ~~agency.~~

13 ~~[(b)] (C) A firearm applicant for a secondary sale of a regulated firearm through~~
14 ~~a licensee shall pay to the licensee a processing fee not exceeding \$20.~~

15 ~~[(c)] (D) A person shall complete the sale, rental, or transfer of a regulated~~
16 ~~firearm within 90 days after the firearm application was stamped by the Secretary as not~~
17 ~~being disapproved.~~

18 ~~[(d)] (E) (1) If the sale, rental, or transfer of a regulated firearm is not~~
19 ~~completed within 90 days after the firearm application was stamped by the Secretary as~~
20 ~~not being disapproved, a person shall return the firearm application to the Secretary within~~
21 ~~7 days.~~

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

24 ~~[(e)] (F) (1) (i) A person who sells, rents, or transfers a regulated firearm~~
25 ~~in compliance with this subtitle shall forward a copy of the written notification of the~~
26 ~~completed transaction to the Secretary within 7 days after delivery of the regulated firearm.~~

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

31 ~~(2) The Secretary shall maintain a permanent record of all notifications~~
32 ~~received of completed sales, rentals, and transfers of regulated firearms in the State.~~

1 (b) A dealer or other person may not sell, rent, **LOAN**, or transfer a regulated
2 firearm to a purchaser, lessee, **BORROWER**, or transferee who the dealer or other person
3 knows or has reasonable cause to believe:

4 (1) is under the age of 21 years, **UNLESS THE PURCHASER, LESSEE,**
5 **BORROWER, OR TRANSFEEE MAY POSSESS THE REGULATED FIREARM UNDER §**
6 **5-133(D) OF THIS SUBTITLE;**

7 (2) has been convicted of a disqualifying crime;

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

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

11 (5) is a fugitive from justice;

12 (6) is a habitual drunkard;

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

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

20 (9) has been confined for more than 30 consecutive days to a facility as
21 defined in § 10-101 of the Health - General Article, unless the purchaser, lessee,
22 **BORROWER**, or transferee possesses a physician's certificate that the recipient is capable
23 of possessing a regulated firearm without undue danger to the purchaser, lessee,
24 **BORROWER**, or transferee or to another;

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

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

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

31 (13) is a participant in a straw purchase; [or]

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

6 **(15) INTENDS TO USE THE REGULATED FIREARM TO:**

7 **(I) COMMIT A CRIME; OR**

8 **(II) CAUSE HARM TO THE PURCHASER, LESSEE, TRANSFEREE,**
9 **OR RECIPIENT OR ANOTHER PERSON.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.