

HOUSE BILL 1018

E4

3lr1117

By: **Delegate Queen**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Online Firearm Sales – Requirements**

3 FOR the purpose of prohibiting a person from purchasing a firearm from a certain online
4 vendor unless a certain licensee facilitates the sale with the purchaser and the online
5 vendor; requiring a certain licensee facilitating an online sale of a firearm to process
6 the sale in a certain manner and comply with certain federal and State laws;
7 establishing certain criminal penalties for knowingly violating this Act; and
8 generally relating to online firearm sales.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 5–101(a), (e), (h), and (p)
12 Annotated Code of Maryland
13 (2022 Replacement Volume)

14 BY adding to
15 Article – Public Safety
16 Section 5–147
17 Annotated Code of Maryland
18 (2022 Replacement Volume)

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

21 **Article – Public Safety**

22 5–101.

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

24 (e) “Dealer’s license” means a State regulated firearms dealer’s license.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (h) (1) “Firearm” means:

2 (i) a weapon that expels, is designed to expel, or may readily be
3 converted to expel a projectile by the action of an explosive;

4 (ii) the frame or receiver of such a weapon; or

5 (iii) an unfinished frame or receiver, as defined in § 5–701 of this title.

6 (2) “Firearm” includes a starter gun.

7 (p) “Licensee” means a person who holds a dealer’s license.

8 **5–147.**

9 **(A) IN THIS SECTION, “ONLINE VENDOR” MEANS A PERSON SELLING A**
10 **FIREARM ON THE INTERNET.**

11 **(B) THIS SECTION DOES NOT APPLY TO SALES AND TRANSFERS BETWEEN**
12 **FEDERALLY LICENSED FIREARM MANUFACTURERS, DEALERS, OR IMPORTERS.**

13 **(C) A PERSON MAY NOT PURCHASE A FIREARM ONLINE FROM AN ONLINE**
14 **VENDOR UNLESS A LICENSEE FACILITATES THE SALE WITH THE PURCHASER AND**
15 **THE ONLINE VENDOR.**

16 **(D) (1) BEFORE A PERSON PURCHASES A FIREARM ONLINE FROM AN**
17 **ONLINE VENDOR, THE PURCHASER SHALL REQUEST THAT A LICENSEE FACILITATE**
18 **THE SALE WITH THE PURCHASER AND THE ONLINE VENDOR.**

19 **(2) (I) AN ONLINE VENDOR SHALL TRANSFER THE FIREARM TO**
20 **THE LICENSEE ONLY IF THE LICENSEE AGREES TO FACILITATE THE SALE WITH THE**
21 **PURCHASER AND THE ONLINE VENDOR.**

22 **(II) AN ONLINE VENDOR MAY NOT DIRECTLY TRANSFER A**
23 **FIREARM PURCHASED ONLINE TO THE PURCHASER.**

24 **(3) (I) A LICENSEE WHO AGREES TO FACILITATE THE ONLINE SALE**
25 **WITH THE PURCHASER AND THE ONLINE VENDOR UNDER THIS SUBSECTION SHALL**
26 **PROCESS THE SALE AS THOUGH TRANSFERRING THE FIREARM THROUGH THE**
27 **LICENSEE’S OWN INVENTORY TO THE PURCHASER.**

1 **(II) THE LICENSEE SHALL COMPLY WITH ALL FEDERAL AND**
2 **STATE LAW THAT WOULD APPLY TO THE SALE, INCLUDING CONDUCTING A**
3 **BACKGROUND CHECK AND ALL INVENTORY AND RECORD-KEEPING REQUIREMENTS.**

4 **(III) THE LICENSEE MAY CHARGE A REASONABLE FEE TO**
5 **FACILITATE THE SALE UNDER THIS SUBSECTION.**

6 **(4) A LICENSEE SHALL TRANSFER THE FIREARM TO THE PURCHASER**
7 **ONLY IF ALL THE REQUIREMENTS ARE SATISFIED UNDER THIS SUBSECTION.**

8 **(E) (1) A PERSON MAY NOT KNOWINGLY VIOLATE SUBSECTION (C) OR (D)**
9 **OF THIS SECTION.**

10 **(2) A PERSON MAY NOT KNOWINGLY VIOLATE SUBSECTION (C) OR (D)**
11 **OF THIS SECTION:**

12 **(I) AFTER HAVING BEEN CONVICTED ONE OR MORE TIMES**
13 **UNDER THIS SECTION; OR**

14 **(II) RESULTING IN THE USE OF THE FIREARM THAT IS THE**
15 **SUBJECT OF THE VIOLATION:**

16 **1. IN THE COMMISSION OF A CRIME; OR**

17 **2. TO CAUSE SERIOUS BODILY INJURY OR DEATH.**

18 **(F) (1) A PERSON WHO IS CONVICTED UNDER SUBSECTION (E)(1) OF THIS**
19 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
20 **IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR**
21 **BOTH.**

22 **(2) A PERSON WHO IS CONVICTED UNDER SUBSECTION (E)(2) OF THIS**
23 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
24 **IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR**
25 **BOTH.**

26 **(G) EACH VIOLATION OF THIS SECTION IS A SEPARATE CRIME.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2023.