

# SENATE BILL 742

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6lr0372  
CF HB 879

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By: **Senators Muse, Benson, Conway, Nathan–Pulliam, and Waugh**  
Introduced and read first time: February 5, 2016  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Imitation Firearms – Prohibition**

3 FOR the purpose of prohibiting the manufacture, sale, offer of sale, or commercial transfer  
4 of a certain imitation firearm; defining certain terms; establishing certain civil  
5 penalties; authorizing the Attorney General to file a civil action to enjoin violation of  
6 this Act; authorizing a circuit court to enjoin a violation of this Act; providing for a  
7 delayed effective date; and generally relating to imitation firearms.

8 BY adding to

9 Article – Public Safety

10 Section 5–601 through 5–603 to be under the new subtitle “Subtitle 6. Imitation  
11 Firearms”

12 Annotated Code of Maryland

13 (2011 Replacement Volume and 2015 Supplement)

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

16 **Article – Public Safety**

17 **SUBTITLE 6. IMITATION FIREARMS.**

18 **5–601.**

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (D) "HANDGUN" HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL  
3 LAW ARTICLE.

4 (E) (1) "IMITATION FIREARM" MEANS A TOY, A DEVICE, OR AN OBJECT  
5 THAT SUBSTANTIALLY DUPLICATES OR CAN REASONABLY BE PERCEIVED TO BE A  
6 FIREARM OR A HANDGUN.

7 (2) "IMITATION FIREARM" DOES NOT INCLUDE A TOY, A DEVICE, OR  
8 AN OBJECT THAT:

9 (I) HAS AN ENTIRE EXTERIOR SURFACE AREA COLOR OF  
10 BRIGHT RED, BRIGHT ORANGE, BRIGHT YELLOW, BRIGHT GREEN, BRIGHT BLUE,  
11 BRIGHT PINK, OR BRIGHT PURPLE, EITHER SINGLY OR AS THE PREDOMINANT  
12 COLOR IN COMBINATION WITH OTHER COLORS IN ANY PATTERN;

13 (II) HAS A BARREL THAT IS CLOSED FOR A DISTANCE OF NOT  
14 LESS THAN ONE-HALF INCH FROM THE FRONT END OF THE BARREL WITH THE SAME  
15 MATERIAL OF WHICH THE TOY, DEVICE, OR OBJECT IS MADE;

16 (III) HAS LEGIBLY STAMPED ON THE EXTERIOR THE NAME OF  
17 THE MANUFACTURER OR SOME TRADE NAME, MARK, OR BRAND BY WHICH THE  
18 MANUFACTURER CAN BE READILY IDENTIFIED; OR

19 (IV) IS A NONFIRING COLLECTOR REPLICAS OF AN ANTIQUE  
20 FIREARM.

21 **5-602.**

22 (A) A PERSON MAY NOT MANUFACTURE, SELL, OFFER TO SELL, OR  
23 COMMERCIALY TRANSFER AN IMITATION FIREARM.

24 (B) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A  
25 FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION OF THIS SECTION.

26 **5-603.**

27 (A) THE ATTORNEY GENERAL OF THE STATE MAY FILE A CIVIL ACTION TO  
28 ENFORCE § 5-602 OF THIS SUBTITLE ON BEHALF OF THE STATE IN THE CIRCUIT  
29 COURT FOR A COUNTY IN WHICH A PERSON IS ALLEGED TO BE IN VIOLATION OF §  
30 5-602 OF THIS SUBTITLE.

1           **(B) IN AN ACTION FILED UNDER THIS SECTION, A CIRCUIT COURT MAY ISSUE**  
2 **A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR PERMANENT**  
3 **INJUNCTION TO ENJOIN A VIOLATION OF § 5-602 OF THIS SUBTITLE.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2017.