

HB1646/573523/1

BY: Delegate Vogt

AMENDMENTS TO HOUSE BILL 1646
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 10, insert:

“BY repealing and reenacting, without amendments,
Article - Public Safety
Section 5-124
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)”.

AMENDMENT NO. 2

On page 4, in line 7, after the first “TO” insert “:

(I)”;

in the same line, strike “OR TO” and substitute “;

(II)”;

in line 8, after “DEALER” insert “;

(III) A FAMILY MEMBER WHO IS QUALIFIED TO POSSESS THE FIREARM, RIFLE, OR SHOTGUN AND WHO DOES NOT RESIDE WITH THE DEFENDANT; OR

(IV) A QUALIFIED INDIVIDUAL IN A SECONDARY SALE AS PROVIDED FOR UNDER § 5-124 OF THE PUBLIC SAFETY ARTICLE THROUGH:

(Over)

1. A FEDERALLY LICENSED FIREARMS DEALER THAT ALSO HOLDS A STATE REGULATED FIREARMS DEALER'S LICENSE; OR

2. A DESIGNATED LAW ENFORCEMENT AGENCY";

strike beginning with "TO" in line 11 down through "DEALER" in line 12; in line 13, after "(3)" insert "(I)"; in line 14, after "FIREARM" insert "OR A LICENSED FIREARMS DEALER OR DESIGNATED LAW ENFORCEMENT AGENCY FACILITATING A SECONDARY SALE"; after line 16, insert:

"(II) A FAMILY MEMBER ACCEPTING A TRANSFERRED FIREARM UNDER THIS SECTION SHALL PROVIDE AN AFFIDAVIT SWORN BEFORE A NOTARY PUBLIC OF THIS STATE ATTESTING TO THE TRANSFER OF THE FIREARM TO THE PERSON TRANSFERRING THE FIREARM.";

in line 18, after "TRANSFER" insert "OR AN AFFIDAVIT OF TRANSFER"; after line 27, insert:

"(5) (I) FOR A TRANSFER EXECUTED AS A SECONDARY SALE OF A REGULATED FIREARM THROUGH A LICENSED FIREARMS DEALER OR LAW ENFORCEMENT AGENCY UNDER PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE LICENSED FIREARMS DEALER OR DESIGNATED LAW ENFORCEMENT AGENCY SHALL HAVE POSSESSION OF THE FIREARM FROM THE INITIATION OF THE SALE UNTIL FIREARM APPLICATION BY THE FIREARM APPLICANT IS APPROVED BY THE SECRETARY OF STATE POLICE.

(II) IF THE FIREARM APPLICATION IS DISAPPROVED BY THE SECRETARY OF STATE POLICE OR THE SALE IS OTHERWISE NOT COMPLETED IN THE TIME REQUIRED UNDER § 5-124 OF THE PUBLIC SAFETY ARTICLE, THE

LICENSED FIREARMS DEALER OR THE DESIGNATED LAW ENFORCEMENT AGENCY MAY PROCESS THE FIREARM IN THE SAME MANNER AS IT WOULD HAVE HAD THE FIREARM BEEN DIRECTLY TRANSFERRED TO A LAW ENFORCEMENT OFFICIAL UNDER THIS SUBSECTION.”.

On page 6, after line 25, insert:

“5-124.

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

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

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

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

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

(Over)

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

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

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

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