

SENATE BILL 706

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9lr3008
CF 9lr0819

By: **Senators Ready, Bailey, Eckardt, Hough, and Serafini**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Assault Weapons – Replacements**
3 **(Legally Owned Firearms Replacement Act)**

4 FOR the purpose of authorizing a person to replace a lost or broken assault weapon that
5 the person lawfully possessed in accordance with certain provisions of law if the
6 replacement is registered with the Secretary of State Police; and generally relating
7 to assault weapons.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 4–303
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2018 Supplement)

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

15 **Article – Criminal Law**

16 4–303.

17 (a) Except as provided in subsection (b) of this section, a person may not:

18 (1) transport an assault weapon into the State; or

19 (2) possess, sell, offer to sell, transfer, purchase, or receive an assault
20 weapon.

21 (b) (1) A person who lawfully possessed an assault pistol before June 1, 1994,
22 and who registered the assault pistol with the Secretary of State Police before August 1,
23 1994, may:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) continue to possess and transport the assault pistol; or

2 (ii) while carrying a court order requiring the surrender of the
3 assault pistol, transport the assault pistol directly to a law enforcement unit, barracks, or
4 station, a State or local law enforcement agency, or a federally licensed firearms dealer, as
5 applicable, if the person has notified a law enforcement unit, barracks, or station that the
6 person is transporting the assault pistol in accordance with a court order and the assault
7 pistol is unloaded.

8 (2) A licensed firearms dealer may continue to possess, sell, offer for sale,
9 or transfer an assault long gun or a copycat weapon that the licensed firearms dealer
10 lawfully possessed on or before October 1, 2013.

11 (3) A person who lawfully possessed, has a purchase order for, or completed
12 an application to purchase an assault long gun or a copycat weapon before October 1, 2013,
13 may:

14 (i) possess and transport the assault long gun or copycat weapon; or

15 (ii) while carrying a court order requiring the surrender of the
16 assault long gun or copycat weapon, transport the assault long gun or copycat weapon
17 directly to a law enforcement unit, barracks, or station, a State or local law enforcement
18 agency, or a federally licensed firearms dealer, as applicable, if the person has notified a
19 law enforcement unit, barracks, or station that the person is transporting the assault long
20 gun or copycat weapon in accordance with a court order and the assault long gun or copycat
21 weapon is unloaded.

22 (4) A person may transport an assault weapon to or from:

23 (i) an ISO 17025 accredited, National Institute of Justice–approved
24 ballistics testing laboratory; or

25 (ii) a facility or entity that manufactures or provides research and
26 development testing, analysis, or engineering for personal protective equipment or vehicle
27 protection systems.

28 (5) A federally licensed firearms dealer may receive and possess an assault
29 weapon received from a person in accordance with a court order to transfer firearms under
30 § 6–234 of the Criminal Procedure Article.

31 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON MAY**
32 **REPLACE A LOST OR BROKEN ASSAULT WEAPON THAT THE PERSON LAWFULLY**
33 **POSSESSED IN ACCORDANCE WITH SUBSECTION (B)(1), (2), OR (3) OF THIS SECTION**
34 **IF THE REPLACEMENT IS REGISTERED WITH THE SECRETARY OF STATE POLICE.**

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2019.