

HOUSE BILL 1021

E4

2lr3151

By: **The Speaker**

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Licensed Firearms Dealers – Security Requirements**

3 FOR the purpose of prohibiting a certain licensed firearms dealer from storing a firearm on
4 a certain premises where the licensed dealer conducts business, unless the premises
5 is equipped with certain security features; requiring a licensed firearms dealer to
6 lock certain firearms in a certain location outside business hours; requiring the
7 Secretary of State Police to suspend a certain dealer’s license if the dealer is found
8 in violation of a certain offense; requiring the Secretary to revoke a certain dealer’s
9 license if the dealer is found in violation of a certain offense; and generally relating
10 to security requirements for licensed firearms dealers.

11 BY repealing and reenacting, with amendments,

12 Article – Public Safety

13 Section 5–114(a) and (b)

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2021 Supplement)

16 BY adding to

17 Article – Public Safety

18 Section 5–145.1

19 Annotated Code of Maryland

20 (2018 Replacement Volume and 2021 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

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.



Article – Public Safety

5-114.

(a) (1) The Secretary shall suspend a dealer's license if the licensee:

(i) is under indictment for a crime of violence; [or]

(ii) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; OR

(III) IS FOUND IN VIOLATION OF A SECOND OFFENSE UNDER § 5-145.1 OF THIS SUBTITLE.

(2) (i) The Secretary may suspend a dealer's license if the licensee is not in compliance with the record keeping and reporting requirements of § 5-145 of this subtitle.

(ii) The Secretary may lift a suspension under this paragraph after the licensee provides evidence that the record keeping violation has been corrected.

(b) The Secretary shall revoke a dealer's license if:

(1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or

(2) the licensee:

(i) is convicted of a disqualifying crime;

(ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

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

(vi) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;

1 (vii) has knowingly or willfully manufactured, offered to sell, or sold
2 a handgun not on the handgun roster in violation of § 5-406 of this title; [or]

3 (viii) has knowingly or willfully participated in a straw purchase of a
4 regulated firearm; OR

5 **(IX) IS FOUND IN VIOLATION OF A THIRD OR SUBSEQUENT**
6 **OFFENSE UNDER § 5-145.1 OF THIS SUBTITLE.**

7 **5-145.1.**

8 **(A) A LICENSED DEALER MAY NOT CONDUCT BUSINESS AND STORE**
9 **FIREARMS AT A LOCATION UNLESS:**

10 **(1) THE PREMISES ON WHICH THE LICENSED DEALER OPERATES IS**
11 **EQUIPPED WITH SECURITY FEATURES, INCLUDING:**

12 **(I) EQUIPMENT CAPABLE OF FILMING AND RECORDING VIDEO**
13 **FOOTAGE INSIDE AND OUTSIDE BUILDINGS WHERE FIREARMS ARE STORED;**

14 **(II) ~~BARS OR SECURITY SCREENS~~ AT LEAST ONE OF THE**
15 **FOLLOWING FEATURES DESIGNED TO PREVENT UNAUTHORIZED ENTRY INSTALLED**
16 **ON ALL EXTERIOR DOORS AND WINDOWS OF ALL BUILDINGS WHERE FIREARMS ARE**
17 **STORED;**

18 **1. BARS;**

19 **2. SECURITY SCREENS;**

20 **3. COMMERCIAL GRADE METAL DOORS;**

21 **4. GRATES; OR**

22 **5. OTHER PHYSICAL BARRIERS APPROVED BY THE**
23 **SECRETARY;**

24 **(III) A BURGLARY ALARM SYSTEM THAT IS CONTINUALLY**
25 **MONITORED; AND**

26 **(IV) IF PRACTICABLE, PHYSICAL BARRIERS DESIGNED TO**
27 **PREVENT THE USE OF MOTOR VEHICLES TO BREACH ALL BUILDINGS WHERE**
28 **FIREARMS ARE STORED; ~~AND~~ OR**

29 **(2) OUTSIDE BUSINESS HOURS, THE LICENSED DEALER LOCKS ALL**
30 **FIREARMS STORED ON THE PREMISES IN:**

1 (I) A VAULT;

2 (II) A SAFE; OR

3 (III) A ~~SECURE~~ ROOM OR BUILDING THAT MEETS THE
4 REQUIREMENTS UNDER ITEM (1) OF THIS SUBSECTION.

5 (B) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
6 THIS SUBSECTION DOES NOT APPLY IF THE EQUIPMENT OR ALARM SYSTEM BECAME
7 TEMPORARILY INOPERABLE AT NO FAULT OF THE LICENSED DEALER.

8 (2) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
9 PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

10 ~~(2) (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A~~
11 ~~MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A~~
12 ~~FINE NOT EXCEEDING \$10,000 OR BOTH, IF THE OFFENSE IS:~~

13 ~~(I) A SECOND OR SUBSEQUENT OFFENSE; AND~~

14 ~~(II) COMMITTED KNOWINGLY AND WILLFULLY~~ IN ADDITION TO
15 THE PENALTY IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A PERSON
16 WHO KNOWINGLY AND WILLFULLY VIOLATES THIS SECTION IS SUBJECT TO:

17 (I) FOR A SECOND OFFENSE, SUSPENSION OF THE PERSON'S
18 DEALER'S LICENSE; AND

19 (II) FOR A THIRD OR SUBSEQUENT OFFENSE, REVOCATION OF
20 THE PERSON'S DEALER'S LICENSE.

21 (C) THE SECRETARY SHALL ADOPT RULES AND REGULATIONS TO
22 DETERMINE WHETHER A LICENSED DEALER HAS MET THE REQUIREMENTS OF
23 SUBSECTION (A) OF THIS SECTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2022.