

HOUSE BILL 1339

E4

6lr2289
CF SB 830

By: **Delegate Embry**

Introduced and read first time: February 12, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handgun Roster Reform**

3 FOR the purpose of altering provisions of law relating to the handgun roster, including
4 requiring the Attorney General, or the Attorney General's designee, to conduct a
5 certain legal review of a petition to place a handgun on the handgun roster and to
6 make a certain determination before the handgun shall be placed on the handgun
7 roster by the Handgun Roster Board; requiring the Maryland State Police, or a
8 certain accredited laboratory, to conduct testing and to prepare a certain test report
9 on a specimen of a certain handgun; prohibiting a handgun from being placed on the
10 handgun roster unless the handgun passes certain testing; authorizing the Attorney
11 General to designate certain materials as confidential under this Act and requiring
12 certain confidentiality rules; altering the responsibilities of the Handgun Roster
13 Board; requiring the Handgun Roster Board to coordinate with the Attorney General
14 and Maryland State Police under this Act; and generally relating to the handgun
15 roster.

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 5–401, 5–404, and 5–405
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2025 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Public Safety
23 Section 5–402 and 5–406
24 Annotated Code of Maryland
25 (2022 Replacement Volume and 2025 Supplement)

26 BY repealing
27 Article – Public Safety
28 Section 5–403

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

BY adding to
Article – Public Safety
Section 5–403 and 5–403.1
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)

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

Article – Public Safety

5–401.

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

**(B) “ATTORNEY GENERAL” MEANS THE ATTORNEY GENERAL OR THE
ATTORNEY GENERAL’S DESIGNEE.**

[(b)] (C) “Board” means the Handgun Roster Board.

**(D) “EXEMPLAR” MEANS A FIREARM, FIREARM PART, OR
MANUFACTURER–PROVIDED SAMPLE OF A FIREARM OR FIREARM PART SUBMITTED
FOR PURPOSES OF TECHNICAL INSPECTION AND COMPARISON.**

[(c)] (E) (1) “Handgun” means a pistol, a revolver, or any other firearm
capable of being concealed on the person.

(2) “Handgun” does not include a shotgun, a rifle, a short–barreled rifle, a
short–barreled shotgun, or an antique firearm.

[(d)] (F) “Handgun roster” means the roster of authorized handguns compiled
by the Board under § 5–405 of this subtitle.

[(e)] (G) “Secretary” means the Secretary of State Police or the Secretary’s
designee.

5–402.

(a) This subtitle does not affect a person’s right to:

(1) manufacture, sell, or offer to sell a rifle or other weapon that is not
defined as a handgun in § 4–201 of the Criminal Law Article;

(2) manufacture a prototype handgun model required for design, development, testing, and approval by the Board; and

(3) manufacture in this State a handgun that is not on the handgun roster by a federally licensed gun manufacturer who is also licensed as a regulated firearms dealer in this State for direct sale to a unit of:

(i) the federal government;

(ii) a state other than this State;

(iii) a local government in a state other than this State; or

(iv) a law enforcement agency in a state other than this State.

(b) (1) A person is not strictly liable for damages for injuries to another that result from the criminal use of a firearm by a third person.

(2) Paragraph (1) of this subsection does not apply if the person conspired with the third person to commit the criminal act in which the firearm was used or willfully aided, abetted, or caused the commission of the criminal act in which the firearm was used.

(3) This subtitle does not otherwise negate, limit, or modify the doctrine of negligence or strict liability that relates to abnormally dangerous products or activities and defective products.

[5-403.

The Secretary shall adopt regulations necessary to carry out this subtitle.]

5-403.

(A) (1) THE ATTORNEY GENERAL SHALL APPROVE THE PLACEMENT OF A HANDGUN ON THE HANDGUN ROSTER UNDER § 5-405 OF THIS SUBTITLE ON THE SUCCESSFUL PETITION OF ANY PERSON, SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION.

(2) A PETITION TO PLACE A HANDGUN ON THE HANDGUN ROSTER SHALL BE SUBMITTED TO THE ATTORNEY GENERAL IN WRITING IN THE FORM AND MANNER THAT THE ATTORNEY GENERAL REQUIRES.

(3) A PERSON WHO PETITIONS FOR PLACEMENT OF A HANDGUN ON THE HANDGUN ROSTER HAS THE BURDEN OF PROVING TO THE ATTORNEY GENERAL THAT THE HANDGUN SHOULD BE PLACED ON THE HANDGUN ROSTER.

(B) THE ATTORNEY GENERAL SHALL:

(1) CONDUCT A LEGAL REVIEW OF EACH PETITION TO PLACE A HANDGUN ON THE HANDGUN ROSTER, AS WELL AS ANY MATERIALS AND INFORMATION PROVIDED UNDER SUBSECTION (D) OF THIS SECTION; AND

(2) DETERMINE WHETHER THE HANDGUN IS LAWFUL UNDER STATE AND FEDERAL LAW FOR PLACEMENT ON THE HANDGUN ROSTER.

(C) BEFORE A HANDGUN IS PLACED ON THE HANDGUN ROSTER, THE HANDGUN SHALL PASS TESTING UNDER § 5-403.1 OF THIS SUBTITLE.

(D) (1) A PETITIONER SHALL PROVIDE THE FOLLOWING MATERIALS AND INFORMATION TO THE ATTORNEY GENERAL WITH A PETITION:

(I) THE HANDGUN MARKINGS, INCLUDING:

1. THE SERIAL NUMBER;

2. THE MANUFACTURER;

3. THE MODEL; AND

4. THE CALIBER;

(II) AN EXEMPLAR OR, IF AN EXEMPLAR IS NOT AVAILABLE, A REPRESENTATIVE MODEL OR DETAILED MANUFACTURER TECHNICAL SPECIFICATIONS OF THE HANDGUN;

(III) ANY MANUFACTURER REPRESENTATIONS, INCLUDING ANY STATEMENTS OF FACT OR PROMISES MADE BY THE MANUFACTURER ABOUT THE HANDGUN; AND

(IV) ANY OTHER ADDITIONAL INFORMATION REQUESTED BY THE ATTORNEY GENERAL.

(2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE ATTORNEY GENERAL SHALL HAVE 45 DAYS TO COMPLETE THE REVIEW OF A PETITION UNDER SUBSECTION (B) OF THIS SECTION.

(II) THE REVIEW PERIOD SHALL BE TOLLED WHILE REASONABLE REQUESTS FOR ADDITIONAL INFORMATION ARE PENDING, INCLUDING TESTING REPORT RESULTS UNDER § 5-403.1 OF THIS SUBTITLE.

(III) THE REVIEW PERIOD MAY BE EXTENDED FOR GOOD CAUSE AT THE DISCRETION OF THE ATTORNEY GENERAL.

(E) THE ATTORNEY GENERAL SHALL CONSIDER CAREFULLY EACH OF THE FOLLOWING CHARACTERISTICS OF A HANDGUN WITHOUT PLACING UNDUE WEIGHT ON ANY ONE CHARACTERISTIC IN DETERMINING WHETHER ANY HANDGUN SHOULD BE PLACED ON THE HANDGUN ROSTER:

(1) CONCEALABILITY;

(2) BALLISTIC ACCURACY;

(3) WEIGHT;

(4) QUALITY OF MATERIALS;

(5) QUALITY OF MANUFACTURE;

(6) RELIABILITY AS TO SAFETY;

(7) CALIBER;

(8) DETECTABILITY BY THE STANDARD SECURITY EQUIPMENT THAT IS COMMONLY USED AT AN AIRPORT OR A COURTHOUSE AND THAT IS APPROVED BY THE FEDERAL AVIATION ADMINISTRATION FOR USE AT AIRPORTS IN THE UNITED STATES; AND

(9) UTILITY FOR LEGITIMATE SPORTING ACTIVITIES, SELF-PROTECTION, OR LAW ENFORCEMENT.

(F) (1) AFTER THE REVIEW OF THE PETITION IS COMPLETED UNDER SUBSECTION (D) OF THIS SECTION, THE ATTORNEY GENERAL SHALL ISSUE A WRITTEN DETERMINATION TO THE BOARD AND PETITIONER REGARDING WHETHER THE HANDGUN IS LAWFUL UNDER STATE AND FEDERAL LAW FOR PLACEMENT ON THE HANDGUN ROSTER.

(2) THE WRITTEN DETERMINATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) A STATEMENT AS TO WHETHER THE HANDGUN IS LAWFUL TO BE PLACED ON THE HANDGUN ROSTER UNDER STATE AND FEDERAL LAW;

1 **(II) THE SUPPORTING LEGAL ANALYSIS FOR THE APPROVAL OR**
2 **DENIAL OF PLACEMENT OF THE HANDGUN ON THE HANDGUN ROSTER; AND**

3 **(III) IF THE DETERMINATION IS A DENIAL OF PLACEMENT OF**
4 **THE HANDGUN ON THE HANDGUN ROSTER, WHETHER REMEDIATION IS AVAILABLE.**

5 **(G) THE BOARD SHALL RECEIVE THE WRITTEN DETERMINATION UNDER**
6 **SUBSECTION (F) OF THIS SECTION SOLELY FOR PURPOSES OF PROCEDURAL**
7 **OVERSIGHT TO COMPILE AND MAINTAIN A HANDGUN ROSTER UNDER § 5-405 OF**
8 **THIS SUBTITLE.**

9 **(H) (1) (I) ANY MATERIALS PROVIDED TO THE BOARD UNDER THIS**
10 **SECTION MAY BE DESIGNATED AS CONFIDENTIAL BY THE ATTORNEY GENERAL.**

11 **(II) IF THE ATTORNEY GENERAL DESIGNATES MATERIALS AS**
12 **CONFIDENTIAL UNDER THIS PARAGRAPH, THE MATERIALS SHALL BE KEPT**
13 **CONFIDENTIAL BY ALL BOARD MEMBERS, STAFF MEMBERS, AND COUNSEL.**

14 **(2) (I) ANY BOARD MEMBER, STAFF MEMBER, OR COUNSEL WITH**
15 **ACCESS TO CONFIDENTIAL MATERIALS SHALL COMPLY WITH ALL APPLICABLE**
16 **CONFIDENTIALITY, CONFLICT OF INTEREST, AND SELF-RECUSAL RULES.**

17 **(II) THE FAILURE TO COMPLY WITH A RULE RELATING TO**
18 **CONFIDENTIAL MATERIALS SUBJECTS A BOARD MEMBER, STAFF MEMBER, OR**
19 **COUNSEL TO DISCIPLINE AND ANY OTHER CONSEQUENCES AS PROVIDED BY LAW.**

20 **(I) (1) IF THE ATTORNEY GENERAL DENIES THE PLACEMENT OF A**
21 **HANDGUN ON THE HANDGUN ROSTER AFTER THE REVIEW OF A PETITION, THE**
22 **HANDGUN MAY NOT BE PLACED ON THE HANDGUN ROSTER UNTIL THE ATTORNEY**
23 **GENERAL ISSUES A SUBSEQUENT WRITTEN DETERMINATION THAT THE DEFICIENCY**
24 **HAS BEEN REMEDIED AND THE HANDGUN IS LAWFUL UNDER STATE AND FEDERAL**
25 **LAW FOR PLACEMENT ON THE HANDGUN ROSTER.**

26 **(2) THE ATTORNEY GENERAL MAY LIMIT THE NUMBER OF TIMES A**
27 **PETITIONER MAY FILE A RESUBMISSION TO PLACE A HANDGUN ON THE HANDGUN**
28 **ROSTER UNDER THIS SUBTITLE.**

29 **(J) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE BOARD, SHALL**
30 **PUBLISH ONLINE ALL FINAL DETERMINATIONS MADE UNDER THIS SECTION,**
31 **INCLUDING THE SUPPORTING LEGAL ANALYSIS FOR THE APPROVAL OR DENIAL OF**
32 **PLACEMENT OF THE HANDGUN ON THE HANDGUN ROSTER.**

1 **(K) ANY PETITIONER WHO IS AGGRIEVED UNDER THIS SECTION MAY**
2 **APPEAL WITHIN 30 DAYS AFTER A FINAL DECISION OF THE ATTORNEY GENERAL IN**
3 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

4 **(L) (1) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE**
5 **MARYLAND STATE POLICE AND THE BOARD, SHALL:**

6 **(I) REEVALUATE ALL HANDGUNS THAT WERE APPROVED TO BE**
7 **ON THE HANDGUN ROSTER BEFORE OCTOBER 1, 2026, TO DETERMINE WHETHER**
8 **THEY ARE STILL LEGAL UNDER STATE AND FEDERAL LAW; AND**

9 **(II) ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS**
10 **SUBTITLE.**

11 **(2) ANY PETITION TO PLACE A HANDGUN ON THE HANDGUN ROSTER**
12 **FILED ON OR BEFORE AND PENDING AS OF OCTOBER 1, 2026, SHALL BE**
13 **ADJUDICATED UNDER THE PROCEDURES ESTABLISHED BY THIS SUBTITLE.**

14 **(M) THE ATTORNEY GENERAL MAY ADOPT REGULATIONS TO IMPLEMENT**
15 **THIS SECTION.**

16 **5-403.1.**

17 **(A) THE PURPOSE OF THIS SECTION IS TO ENSURE THAT HANDGUNS**
18 **SUBMITTED FOR CONSIDERATION FOR PLACEMENT ON THE HANDGUN ROSTER**
19 **UNDER THIS SUBTITLE SATISFY CERTAIN SAFETY AND FUNCTIONALITY**
20 **REQUIREMENTS.**

21 **(B) (1) THE ATTORNEY GENERAL MAY REQUEST THAT THE MARYLAND**
22 **STATE POLICE TEST A HANDGUN TO DETERMINE WHETHER THE HANDGUN IS SAFE**
23 **AND FUNCTIONAL.**

24 **(2) IF THE ATTORNEY GENERAL REQUESTS TESTING UNDER**
25 **PARAGRAPH (1) OF THIS SUBSECTION, THE MARYLAND STATE POLICE SHALL:**

26 **(I) CONDUCT THE TESTING; OR**

27 **(II) CONTRACT WITH AN INDEPENDENT ACCREDITED TESTING**
28 **LABORATORY TO CONDUCT THE TESTING.**

29 **(3) IF THE MARYLAND STATE POLICE CONTRACT WITH AN**
30 **INDEPENDENT ACCREDITED TESTING LABORATORY TO CONDUCT THE TESTING**

1 UNDER THIS SUBSECTION, THE ATTORNEY GENERAL SHALL REVIEW THE
2 AGREEMENT.

3 (C) (1) SUBJECT TO SUBSECTION (E) OF THIS SECTION, TESTING UNDER
4 THIS SECTION SHALL BE CONDUCTED ON ONE SPECIMEN OF THE HANDGUN.

5 (2) THE SPECIMEN SHALL BE SOURCED UNDER DOCUMENTED
6 CHAIN-OF-CUSTODY RULES ESTABLISHED BY THE MARYLAND STATE POLICE.

7 (3) THE MARYLAND STATE POLICE MAY REQUIRE THAT THE
8 SPECIMEN BE PROCURED FROM A COMMERCIAL DISTRIBUTION CENTER TO
9 MINIMIZE THE RISK OF PRE-TEST SELECTION BIAS.

10 (D) (1) THE TESTING UNDER THIS SECTION SHALL INCLUDE:

11 (I) FUNCTION TESTING, INCLUDING AT LEAST 500
12 CONTINUOUS ROUNDS OF LIVE FIRE USING COMMERCIAL FACTORY AMMUNITION
13 THAT IS APPROPRIATE FOR THE HANDGUN, WITHOUT CLEANING OR MAINTENANCE
14 TO CLEAR ANY MALFUNCTION DURING THE ENTIRE SEQUENCE OF LIVE FIRE;

15 (II) DROP AND IMPACT TESTING:

16 1. IN MULTIPLE SETTINGS;

17 2. AT MULTIPLE HEIGHTS; AND

18 3. WITH DIFFERENT SURFACE CONDITIONS;

19 (III) EVALUATION OF THE SAFETY MECHANISMS;

20 (IV) ENVIRONMENTAL AND MECHANICAL INTEGRITY TESTING;

21 AND

22 (V) MINIMUM FUNCTION TEST PARAMETERS WITH PASS OR FAIL
23 THRESHOLDS.

24 (2) A SPECIMEN SHALL FAIL THE FUNCTION TESTING UNDER
25 PARAGRAPH (1)(I) OF THIS SUBSECTION IF THE SPECIMEN EXPERIENCES MORE
26 THAN SIX MALFUNCTIONS DURING THE 500-ROUND TEST.

27 (3) A SPECIMEN SHALL FAIL THE DROP AND IMPACT TESTING UNDER
28 PARAGRAPH (1)(II) OF THIS SUBSECTION IF THE SPECIMEN DISCHARGES AS A
29 RESULT OF THE DROP AND IMPACT TESTING.

1 (4) ANY UNINTENDED DISCHARGE OR MECHANICAL FAILURE OF A
2 SPECIMEN DURING ANY OF THE TESTING UNDER PARAGRAPH (1) OF THIS
3 SUBSECTION SHALL CONSTITUTE AN AUTOMATIC FAILURE FOR THE SPECIMEN.

4 (E) THE MARYLAND STATE POLICE MAY REQUIRE ADDITIONAL SPECIMENS
5 FOR TESTING UNDER THIS SECTION IF:

6 (1) PRODUCT VARIABILITY IS SUSPECTED;

7 (2) THERE ARE ANOMALOUS TEST RESULTS; OR

8 (3) THERE ARE CREDIBLE SAFETY CONCERNS.

9 (F) (1) THE MARYLAND STATE POLICE, OR THE INDEPENDENT
10 ACCREDITED TESTING LABORATORY IF RETAINED UNDER SUBSECTION (B) OF THIS
11 SECTION, SHALL PREPARE A WRITTEN TEST REPORT DOCUMENTING THE TEST
12 RESULTS UNDER SUBSECTION (D) OF THIS SECTION.

13 (2) EACH TEST REPORT SHALL:

14 (I) IDENTIFY THE SPECIMEN TESTED;

15 (II) IDENTIFY THE AMMUNITION USED;

16 (III) DESCRIBE THE SEQUENCE OF TESTS ADMINISTERED;

17 (IV) DESCRIBE ANY MALFUNCTIONS;

18 (V) LIST ANY DISCHARGES;

19 (VI) CONTAIN PHOTOGRAPHS AND VIDEOS OF ANY FAILURES;

20 AND

21 (VII) STATE A PASS OR FAIL DETERMINATION FOR THE
22 SPECIMEN.

23 (G) (1) THE MARYLAND STATE POLICE SHALL PROVIDE THE ATTORNEY
24 GENERAL AND THE BOARD WITH:

25 (I) EACH TEST REPORT COMPLETED UNDER THIS SECTION;

26 AND

(II) WRITTEN NOTICE IF A HANDGUN FAILS TESTING, INCLUDING THE REASON FOR THE FAILURE.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A HANDGUN THAT FAILS TESTING UNDER THIS SECTION MAY BE REMEDIATED BY THE PETITIONER AND RESUBMITTED FOR A RETEST.

(II) IF A HANDGUN FAILS TESTING UNDER THIS SECTION, A PETITIONER MAY NOT REFILE A PETITION FOR THE SAME HANDGUN FOR 2 YEARS FROM THE DATE OF THE FAIL DETERMINATION MADE BY THE MARYLAND STATE POLICE OR THE INDEPENDENT ACCREDITED TESTING LABORATORY UNLESS THE PETITIONER SUBMITS DOCUMENTATION OF A MATERIAL DESIGN OR MANUFACTURING CHANGE.

(H) IF A HANDGUN FAILS TESTING UNDER THIS SECTION, THE HANDGUN MAY NOT BE PLACED ON THE HANDGUN ROSTER UNDER § 5-405 OF THIS SUBTITLE UNLESS AND UNTIL THE HANDGUN PASSES TESTING.

(I) THE MARYLAND STATE POLICE MAY COORDINATE TESTING WITH THE ATTORNEY GENERAL, THE BOARD, AND ANY OTHER ENTITIES THE MARYLAND STATE POLICE CONSIDERS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(J) (1) HANDGUNS THAT ARE LISTED ON THE HANDGUN ROSTER AS OF OCTOBER 1, 2026, SHALL BE TESTED BY THE MARYLAND STATE POLICE ON OR BEFORE MARCH 31, 2028.

(2) THE MARYLAND STATE POLICE SHALL WORK WITH THE BOARD AND MANUFACTURERS TO SCHEDULE TESTING UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(K) THE MARYLAND STATE POLICE SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION THAT SHALL ADDRESS:

(1) TESTING PROTOCOLS AND PARAMETERS;

(2) ACCREDITATION STANDARDS FOR LABORATORIES;

(3) CHAIN-OF-CUSTODY PROCEDURES FOR OBTAINING SPECIMENS OF HANDGUNS;

(4) OBTAINING ADDITIONAL SPECIMENS;

1 **(5) REASONABLE LIMITS ON THE NUMBER AND TIMING OF RETESTS;**

2 **(6) REASONABLE FEES FOR TESTING AND RETESTING; AND**

3 **(7) ANY OTHER RELEVANT MATTERS.**

4 5–404.

5 (a) There is a Handgun Roster Board in the Department of State Police.

6 (b) (1) The Board consists of 11 members.

7 (2) Of the 11 members of the Board:

8 (i) one shall be the Secretary as an ex officio member;

9 (ii) ten shall be appointed by the Governor with the advice and
10 consent of the Senate; and

11 (iii) all shall be Maryland residents.

12 (3) Of the ten appointed members of the Board:

13 (i) one shall be a representative of the Association of Chiefs of
14 Police;

15 (ii) one shall be a representative of the Maryland State’s Attorneys’
16 Association;

17 (iii) one shall be a handgun dealer, gunsmith, or representative of a
18 handgun manufacturer;

19 (iv) one shall be a resident of the State who is a [representative of
20 the National Rifle Association or its affiliated State association] **HANDGUN OWNER OR A**
21 **REPRESENTATIVE OF AN ORGANIZATION THAT ADVOCATES ON BEHALF OF**
22 **HANDGUN OWNERS, INCLUDING ORGANIZATIONS THAT PROMOTE RESPONSIBLE**
23 **FIREARM OWNERSHIP, FIREARM SAFETY, RANGE INSTRUCTION, OR SECOND**
24 **AMENDMENT RIGHTS;**

25 (v) one shall be a representative of an organization that advocates
26 against handgun violence; and

27 (vi) five shall be public members, two of whom shall be mechanical
28 or electrical engineers.

29 (c) The term of an appointed member is 4 years.

(d) The Secretary shall serve as chairman.

(e) The Board shall meet at the request of the chairman or of a majority of the members.

(F) THE SECRETARY SHALL PROVIDE REASONABLE STAFFING, INCLUDING AN EXECUTIVE SECRETARY AND ADMINISTRATIVE SUPPORT, TO THE BOARD.

5–405.

(a) THE PURPOSE OF THIS SECTION IS TO DEFINE THE BOARD’S ROLE AS A PROCEDURAL OVERSIGHT BODY OF THE HANDGUN ROSTER.

(B) (1) The Board shall:

[(1)] (I) compile and maintain a handgun roster of authorized handguns that are useful for legitimate sporting, self–protection, or law enforcement purposes **IN ACCORDANCE WITH THE FINAL DETERMINATIONS BY THE ATTORNEY GENERAL UNDER § 5–403 OF THIS SUBTITLE;**

[(2)] (II) annually publish the handgun roster in the Maryland Register; and

[(3)] (III) semiannually send a copy of the handgun roster to all persons who hold a State regulated firearm dealer’s license under Subtitle 1 of this title.

(2) WITHIN 15 DAYS AFTER RECEIPT OF A FINAL DETERMINATION BY THE ATTORNEY GENERAL UNDER § 5–403 OF THIS SUBTITLE, THE BOARD SHALL UPDATE THE HANDGUN ROSTER UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

[(b)] The Board shall consider carefully each of the following characteristics of a handgun without placing undue weight on any one characteristic in determining whether any handgun should be placed on the handgun roster:

(1) concealability;

(2) ballistic accuracy;

(3) weight;

(4) quality of materials;

(5) quality of manufacture;

(6) reliability as to safety;

(7) caliber;

(8) detectability by the standard security equipment that is commonly used at an airport or courthouse and that is approved by the Federal Aviation Administration for use at airports in the United States; and

(9) utility for legitimate sporting activities, self-protection, or law enforcement.]

(c) (1) The Board may **NOT**:

(I) place a handgun on the handgun roster on its own initiative; **OR**

(II) **MAKE ANY DETERMINATION REGARDING THE LAWFULNESS, SAFETY, OR FUNCTIONALITY OF A HANDGUN.**

[(2) The Board shall place a handgun on the handgun roster on the successful petition of any person subject to subsections (d) and (e) of this section, unless a court, after all appeals are exhausted, has made a finding that the decision of the Board shall be affirmed.

(3) A petition to place a handgun on the handgun roster shall be submitted to the Board in writing in the form and manner that the Board requires.

(4) A person who petitions for placement of a handgun on the handgun roster has the burden of proving to the Board that the handgun should be placed on the handgun roster.]

(2) A HANDGUN SHALL BE PLACED ON THE HANDGUN ROSTER UNDER THIS SECTION ONLY IF:

(I) THE ATTORNEY GENERAL DETERMINES THE HANDGUN IS LAWFUL TO BE PLACED ON THE HANDGUN ROSTER UNDER § 5-403 OF THIS SUBTITLE; AND

(II) THE HANDGUN PASSES REQUIRED TESTING UNDER § 5-403.1 OF THIS SUBTITLE.

[(d) (1) Within 45 days after receipt of a petition to place a handgun on the handgun roster, the Board shall:

(i) deny the petition in writing, stating the reasons for denial; or

(ii) approve the petition and publish a description of the handgun in the Maryland Register, including notice that any objection to the handgun's inclusion on the handgun roster shall be filed with the Board within 30 days.

(2) If the Board fails to deny or approve a petition within the time required under paragraph (1) of this subsection, the petition shall be considered denied.

(e) (1) If the Board denies a petition to place a handgun on the handgun roster, the Board shall notify the petitioner by certified mail, return receipt requested.

(2) The petitioner may request a hearing within 15 days after the date that the Board's denial letter is received.

(3) (i) If the petitioner requests a hearing under paragraph (2) of this subsection, within a reasonable time not to exceed 90 days after receiving the request, the Board shall:

1. hold a hearing on the petition; and
2. issue a written final decision on the petition.

(ii) The Board shall provide notice of the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(iii) At a hearing held under this paragraph, the petitioner has the burden of proving to the Board that the handgun should be placed on the handgun roster because the handgun is useful for legitimate sporting activities, self-protection, or law enforcement purposes.

(4) Any party of record who is aggrieved may appeal within 30 days after a final decision of the Board in accordance with Title 10, Subtitle 2 of the State Government Article.

(f) This section does not require the Board to test any handgun or have any handgun tested at the expense of the Board.]

(D) (1) ON OR BEFORE JANUARY 1 EACH YEAR, THE BOARD SHALL SUBMIT TO THE ATTORNEY GENERAL AND THE SECRETARY A RECOMMENDED FEE SCHEDULE FOR HANDGUN ROSTER PETITIONS, PROCESSING, TESTING, AND RETESTING UNDER THIS SUBTITLE.

(2) THE BOARD'S RECOMMENDATIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON:

1 (I) ADMINISTRATIVE COSTS, INCLUDING PROCESSING
2 PETITIONS, STAFF REVIEW, AND RECORD-KEEPING REQUIREMENTS UNDER THIS
3 SUBTITLE; AND

4 (II) THE REASONABLE AND NECESSARY COSTS OF REQUIRED
5 SAFETY AND FUNCTIONALITY TESTING UNDER § 5-403.1 OF THIS SUBTITLE.

6 (3) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE
7 SECRETARY, SHALL CONSIDER THE BOARD'S RECOMMENDATIONS FOR THE FEE
8 SCHEDULES AND MAY ADOPT, MODIFY, OR REJECT THE RECOMMENDATIONS.

9 (E) (1) ON OR BEFORE JANUARY 1 EACH YEAR, THE BOARD, IN
10 CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY, SHALL
11 SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §
12 2-1257 OF THE STATE GOVERNMENT ARTICLE.

13 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
14 SUBSECTION SHALL INCLUDE:

15 (I) A SUMMARY OF ALL PETITIONS RECEIVED DURING THE
16 YEAR;

17 (II) ALL FINAL DETERMINATIONS RENDERED UNDER § 5-403 OF
18 THIS SUBTITLE;

19 (III) ALL TESTING REPORTS UNDER § 5-403.1 OF THIS SUBTITLE,
20 INCLUDING:

21 1. PASS OR FAIL DETERMINATIONS;

22 2. SUMMARY MALFUNCTION DATA;

23 3. OBSERVED TRENDS AND EMERGENT TECHNOLOGIES;

24 AND

25 4. ANY BOARD RECOMMENDATIONS FOR STATUTORY,
26 REGULATORY, OR PROCEDURAL CHANGES TO THE HANDGUN ROSTER PROCESS
27 UNDER THIS SUBTITLE; AND

28 (IV) ANY OTHER INFORMATION THAT THE BOARD, THE
29 ATTORNEY GENERAL, OR THE SECRETARY DETERMINES TO BE APPROPRIATE.

30 (F) THE BOARD SHALL:

1 (1) (I) REGULARLY MONITOR, REVIEW, AND AUDIT FOR
2 COMPLIANCE ANY REPORTS, TESTING, CHAIN-OF-CUSTODY PRACTICES, ROSTER
3 ADMINISTRATION, AND ANY OTHER PROCESSES UNDER THIS SUBTITLE; AND

4 (II) REPORT ANY SIGNIFICANT PROCEDURAL NONCOMPLIANCE
5 UNDER THIS SUBTITLE TO THE APPROPRIATE OVERSIGHT AUTHORITIES FOR
6 FURTHER INVESTIGATION OR ENFORCEMENT ACTION;

7 (2) PROVIDE PUBLIC EDUCATION ABOUT THE HANDGUN ROSTER
8 PROCESS BY HOLDING STAKEHOLDER BRIEFINGS AND SOLICITING INPUT FROM
9 MANUFACTURERS, PUBLIC SAFETY ORGANIZATIONS, PUBLIC INTEREST GROUPS,
10 AND ANY OTHER RELEVANT PARTIES;

11 (3) ENSURE ALL BOARD MEMBERS RECEIVE AN ORIENTATION AND
12 ANNUAL TRAINING ON:

13 (I) THE SCOPE OF AUTHORITY FOR THE BOARD UNDER THIS
14 SUBTITLE;

15 (II) THE SCOPE OF AUTHORITY FOR THE ATTORNEY GENERAL
16 AND THE SECRETARY UNDER THIS SUBTITLE;

17 (III) THE SCOPE OF AUTHORITY FOR THE MARYLAND STATE
18 POLICE UNDER THIS SUBTITLE; AND

19 (IV) THE DISTINCTION BETWEEN THE OVERSIGHT FUNCTIONS
20 OF THE BOARD AND THE DETERMINATIONS MADE UNDER §§ 5-403 AND 5-403.1 OF
21 THIS SUBTITLE AND ANY APPLICABLE REGULATIONS; AND

22 (4) HAVE ACCESS TO LEGAL COUNSEL PROVIDED BY THE ATTORNEY
23 GENERAL OR OTHER COUNSEL DESIGNATED BY LAW FOR PROCEDURAL OVERSIGHT
24 AND GOVERNANCE ADVICE.

25 (G) IF A BOARD MEMBER HAS A DISQUALIFYING INTEREST IN A MATTER
26 BEFORE THE BOARD, THE BOARD MEMBER SHALL SELF-RECUSE FROM
27 PARTICIPATION IN THAT MATTER IMMEDIATELY.

28 (H) THE BOARD SHALL ADOPT PROCEDURES TO GOVERN MEETING
29 FREQUENCY, QUORUM, NOTICE, RECORD KEEPING, PUBLIC ACCESS TO AGENDAS
30 AND MINUTES OF MEETINGS, SUBJECT TO SAFETY AND CONFIDENTIALITY
31 EXCEPTIONS, VOTE THRESHOLDS, AND OTHER ADMINISTRATION REQUIREMENTS.

1 **(I) (1) THE BOARD MAY NOT OVERTURN OR VACATE A DETERMINATION**
2 **UNDER § 5-403 OR § 5-403.1 OF THIS SUBTITLE.**

3 **(2) IF THE BOARD IDENTIFIES A PROCEDURAL ISSUE WITH RESPECT**
4 **TO THE HANDGUN ROSTER PROCESS UNDER THIS SUBTITLE, THE BOARD MAY TAKE**
5 **THE FOLLOWING ACTIONS:**

6 **(I) SUBMIT A REASONABLE RECOMMENDATION FOR REMEDIAL**
7 **ACTION TO THE ATTORNEY GENERAL AND THE SECRETARY; AND**

8 **(II) SEEK ADMINISTRATIVE REVIEW IN ACCORDANCE WITH**
9 **TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

10 **(3) (I) THE BOARD MAY ADVISE AND MAKE RECOMMENDATIONS**
11 **TO THE ATTORNEY GENERAL AND THE MARYLAND STATE POLICE ON POLICY**
12 **MATTERS, REGULATORY PRIORITIES, AND TECHNICAL PROCEDURAL PROTOCOLS**
13 **UNDER THIS SUBTITLE.**

14 **(II) THE ATTORNEY GENERAL AND THE MARYLAND STATE**
15 **POLICE SHALL CONSIDER THE BOARD'S RECOMMENDATIONS AND ADVICE IN GOOD**
16 **FAITH AND PROVIDE WRITTEN RESPONSE TO ANY BOARD RECOMMENDATIONS**
17 **WITHIN A REASONABLE TIME PERIOD.**

18 **(J) (1) IF THE BOARD IDENTIFIES A CREDIBLE TESTING CONCERN, SUCH**
19 **AS ANOMALOUS RESULTS, EVIDENCE OF PRODUCT VARIABILITY, OR SAFETY**
20 **CONCERNS, THE BOARD MAY REQUEST THAT THE MARYLAND STATE POLICE**
21 **CONDUCT ADDITIONAL TESTING AT THE EXPENSE OF THE PETITIONER UNDER §**
22 **5-403.1 OF THIS SUBTITLE.**

23 **(2) THE DECISION ON WHETHER TO CONDUCT ADDITIONAL TESTING**
24 **UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE BY THE SECRETARY.**

25 **(K) THE BOARD SHALL COORDINATE WITH THE ATTORNEY GENERAL AND**
26 **THE MARYLAND STATE POLICE TO:**

27 **(1) ENSURE PROMPT PROCEDURAL COMPLIANCE UNDER THIS**
28 **SUBTITLE;**

29 **(2) PUBLISH AND ESTABLISH INTERIM PROCEDURES TO EFFECTUATE**
30 **THIS SUBTITLE; AND**

31 **(3) ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.**

1 5–406.

2 (a) (1) Except as provided in § 5–402 of this subtitle, a person may not
3 manufacture for distribution or sale a handgun that is not included on the handgun roster
4 in the State.

5 (2) A person may not sell or offer for sale in the State a handgun
6 manufactured after January 1, 1985, that is not included on the handgun roster.

7 (3) A person may not manufacture, sell, or offer for sale a handgun on
8 which the manufacturer's identification mark or number is obliterated, removed, changed,
9 or otherwise altered.

10 (b) The Secretary may seek an order from a circuit court to permanently or
11 temporarily enjoin the willful and continuous manufacture, sale, or offer for sale, in
12 violation of this section, of a handgun that is not included on the handgun roster.

13 (c) (1) A person who manufactures a handgun for distribution or sale in
14 violation of this section is guilty of a felony and on conviction is subject to imprisonment
15 not exceeding 5 years or a fine not exceeding \$10,000 or both for each violation.

16 (2) A person who sells or offers to sell a handgun in violation of this section
17 is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a
18 fine not exceeding \$2,500 or both for each violation.

19 (3) For purposes of this subsection, each handgun manufactured, sold, or
20 offered for sale in violation of this section is a separate violation.

21 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
22 the application of any provision of this Act to any person or circumstance is held invalid for
23 any reason in a court of competent jurisdiction, the invalidity does not affect other
24 provisions or any other application of this Act that can be given effect without the invalid
25 provision or application, and for this purpose the provisions of this Act are declared
26 severable.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2026.