

HOUSE BILL 1457

E4

3lr3203

By: **Delegate Clippinger**

Introduced and read first time: February 21, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Regulated Firearm Application – Required Information and**
3 **Warnings**

4 FOR the purpose of requiring a regulated firearm application to contain a certain
5 statement relating to possession of a regulated firearm; requiring a certain
6 licensed dealer or officer of a designated law enforcement agency, before
7 accepting a certain application, to read aloud and initial certain requirements
8 and applicable regulations and ensure that the applicant initials the
9 requirements and regulations; establishing certain penalties for a certain
10 violation; and generally relating to required information and warnings in
11 regulated firearms applications.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 5–118
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2012 Supplement)

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

19 **Article – Public Safety**

20 5–118.

21 (a) A firearm applicant shall:

22 (1) submit to a licensee or designated law enforcement agency a
23 firearm application on the form that the Secretary provides; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) pay to the licensee or designated law enforcement agency an
2 application fee of \$10.

3 (b) A firearm application shall contain:

4 (1) the firearm applicant's name, address, Social Security number,
5 place and date of birth, height, weight, race, eye and hair color, signature, driver's or
6 photographic identification soundex number, occupation, and regulated firearm
7 information for each regulated firearm to be purchased, rented, or transferred;

8 (2) the date and time that the firearm applicant delivered the
9 completed firearm application to the prospective seller or transferor; and

10 (3) a statement by the firearm applicant under the penalty of perjury
11 that the firearm applicant:

12 (i) is at least 21 years old;

13 (ii) has never been convicted of a disqualifying crime;

14 (iii) has never been convicted of a violation classified as a
15 common law crime and received a term of imprisonment of more than 2 years;

16 (iv) is not a fugitive from justice;

17 (v) is not a habitual drunkard;

18 (vi) is not addicted to a controlled dangerous substance or is not
19 a habitual user;

20 (vii) has never spent more than 30 consecutive days in a medical
21 institution for treatment of a mental disorder, unless a physician's certificate issued
22 within 30 days before the date of application is attached to the application, certifying
23 that the firearm applicant is capable of possessing a regulated firearm without undue
24 danger to the firearm applicant or to another;

25 (viii) is not a respondent against whom a current non ex parte
26 civil protective order has been entered under § 4–506 of the Family Law Article;

27 (ix) if under the age of 30 years at the time of application, has
28 not been adjudicated delinquent by a juvenile court for an act that would be a
29 disqualifying crime if committed by an adult; [and]

30 (x) subject to § 5–119 of this subtitle, has completed a certified
31 firearms safety training course that the Police Training Commission conducts without
32 charge or that meets the standards that the Police Training Commission establishes
33 under § 3–207 of this article; **AND**

1 **(XI) IS AWARE THAT A PERSON MAY NOT POSSESS A**
2 **REGULATED FIREARM IF, AFTER ACQUIRING THE REGULATED FIREARM, THE**
3 **PERSON BECOMES DISQUALIFIED UNDER § 5-133(B) OF THIS SUBTITLE.**

4 (c) Each firearm application shall contain the following statement: “Any
5 false information supplied or statement made in this application is a crime which may
6 be punished by imprisonment for a period of not more than 3 years, or a fine of not
7 more than \$5,000, or both.”.

8 (d) If the firearm applicant is a corporation, a corporate officer who is a
9 resident of the State shall complete and execute the firearm application.

10 **(E) (1) BEFORE A LICENSEE OR OFFICER OF A DESIGNATED LAW**
11 **ENFORCEMENT AGENCY ACCEPTS A FIREARM APPLICATION SUBMITTED UNDER**
12 **SUBSECTION (A) OF THIS SECTION, THE LICENSEE OR OFFICER SHALL:**

13 **(I) IN THE PRESENCE OF THE FIREARM APPLICANT, READ**
14 **ALoud AND INITIAL EACH REQUIREMENT OF THE APPLICATION LISTED UNDER**
15 **SUBSECTIONS (B) AND (C) OF THIS SECTION AND ANY APPLICABLE REGULATION;**
16 **AND**

17 **(II) ENSURE THAT THE FIREARM APPLICANT INITIALS EACH**
18 **REQUIREMENT AND REGULATION.**

19 **(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS**
20 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
21 **TO:**

22 **(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING**
23 **90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND**

24 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE,**
25 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR**
26 **BOTH.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2013.