

HOUSE BILL 1104

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By: **Delegates Lopez, Charkoudian, Korman, Love, and Solomon**

Introduced and read first time: February 6, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Regulated Firearms – Transfer**

3 FOR the purpose of defining the term “transfer” as it relates to a certain exchange of a
4 regulated firearm between two individuals under certain circumstances; making
5 conforming changes; and generally relating to regulated firearms.

6 BY repealing and reenacting, with amendments,
7 Article – Public Safety
8 Section 5–124
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2019 Supplement)

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

13 **Article – Public Safety**

14 5–124.

15 **(A) (1) IN THIS SECTION, “TRANSFER” MEANS A SALE, A RENTAL, A**
16 **FURNISHING, A GIFT, A LOAN, OR ANY OTHER DELIVERY, WITH OR WITHOUT**
17 **CONSIDERATION.**

18 **(2) “TRANSFER” DOES NOT INCLUDE:**

19 **(I) A CHANGE IN POSSESSION THAT IS TEMPORARY AND**
20 **OCCURS UNDER CIRCUMSTANCES IN WHICH THE TRANSFEROR HAS NO REASON TO**
21 **BELIEVE THAT THE TRANSFEREE INTENDS TO USE THE REGULATED FIREARM IN THE**
22 **COMMISSION OF A CRIME; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) A CHANGE IN POSSESSION TO ALLOW ANOTHER PERSON TO**
2 **USE THE REGULATED FIREARM EXCLUSIVELY AND IN THE ACTUAL PRESENCE OF**
3 **THE TRANSFEROR.**

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

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

12 **[(b)] (C)** A firearm applicant for a secondary [sale] **TRANSFER** of a regulated
13 firearm through a licensee shall pay to the licensee a processing fee not exceeding \$20.

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

17 **[(d)] (E)** (1) If the [sale, rental, or] transfer of a regulated firearm is not
18 completed within 90 days after the firearm application was stamped by the Secretary as
19 not being disapproved, a person shall return the firearm application to the Secretary within
20 7 days.

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

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

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

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

33 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
34 October 1, 2020.