

HOUSE BILL 1261

E4

01r0525

By: **The Speaker and Delegates Atterbeary and Luedtke**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Weapon Crimes – Assault Long Guns and Copycat Weapons**

3 FOR the purpose of altering the definition of “copycat weapon” applicable to certain
4 criminal prohibitions relating to assault weapons; requiring a certain person who
5 lawfully possessed a certain firearm before a certain date to register the firearm with
6 the Department of State Police on or before a certain date; providing that a person
7 who lawfully possessed a certain firearm before a certain date and who voluntarily
8 registers the firearm on or after a certain date and before a certain date is not subject
9 to certain criminal penalties, but is subject to certain registration fees; providing
10 that a person who lawfully possessed a certain firearm before a certain date and who
11 registers the firearm on or after a certain date and before a certain date, only after
12 being discovered in possession of the firearm by a law enforcement officer, is subject
13 to certain penalties; defining certain terms; and generally relating to weapon crimes.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 4–301 and 4–303
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2019 Supplement)

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

21 **Article – Criminal Law**

22 4–301.

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

24 (b) “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the
25 Public Safety Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) “Assault pistol” means any of the following firearms or a copy regardless of the producer or manufacturer:

- (1) AA Arms AP–9 semiautomatic pistol;
- (2) Bushmaster semiautomatic pistol;
- (3) Claridge HI–TEC semiautomatic pistol;
- (4) D Max Industries semiautomatic pistol;
- (5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;
- (6) Heckler and Koch semiautomatic SP–89 pistol;
- (7) Holmes MP–83 semiautomatic pistol;
- (8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;
- (9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;
- (10) P.A.W.S. type semiautomatic pistol;
- (11) Skorpion semiautomatic pistol;
- (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
- (13) UZI semiautomatic pistol;
- (14) Weaver Arms semiautomatic Nighthawk pistol; or
- (15) Wilkinson semiautomatic “Linda” pistol.

(d) “Assault weapon” means:

- (1) an assault long gun;
- (2) an assault pistol; or
- (3) a copycat weapon.

(e) “Binary trigger system” means a device that, when installed in or attached to a firearm, fires both when the trigger is pulled and on release of the trigger.

(f) “Bump stock” means a device that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

(g) “Burst trigger system” means a device that, when installed in or attached to a firearm, allows the firearm to discharge two or more shots with a single pull of the trigger by altering the trigger reset.

(h) (1) “Copycat weapon” means:

(i) a semiautomatic centerfire rifle that can accept a detachable magazine and has any [two] **ONE** of the following:

1. a folding **OR TELESCOPING** stock;
2. a grenade launcher or flare launcher; [or]
3. a flash suppressor;
4. **A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON;**
5. **A THUMBHOLE STOCK; OR**
6. **A FORWARD PISTOL GRIP;**

(ii) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(iii) a semiautomatic centerfire rifle that has an overall length of less than 29 inches;

(IV) **A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A DETACHABLE MAGAZINE AND HAS ANY ONE OF THE FOLLOWING:**

1. **A THREADED BARREL, CAPABLE OF ACCEPTING A FLASH SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;**
2. **A SECOND HANDGRIP;**
3. **A SHROUD THAT IS ATTACHED TO OR THAT PARTIALLY OR COMPLETELY ENCIRCLES THE BARREL, ALLOWING THE BEARER TO FIRE THE WEAPON WITHOUT BURNING THE BEARER’S HAND, EXCEPT FOR A SLIDE THAT ENCLOSSES THE BARREL;**

4. A VERTICAL HANDGRIP;

1 **5. THE ABILITY TO ACCEPT A DETACHABLE AMMUNITION**
2 **FEEDING DEVICE; OR**

3 **6. A FIXED AMMUNITION FEEDING DEVICE THAT CAN**
4 **ACCEPT MORE THAN 10 ROUNDS; OR**

5 **[(vi)] (VII)** a shotgun with a revolving cylinder.

6 (2) “Copycat weapon” does not include an assault long gun or an assault
7 pistol.

8 (i) “Detachable magazine” means an ammunition feeding device that can be
9 removed readily from a firearm without requiring disassembly of the firearm action or
10 without the use of a tool, including a bullet or cartridge.

11 (j) “Flash suppressor” means a device that functions, or is intended to function,
12 to perceptibly reduce or redirect muzzle flash from the shooter’s field of vision.

13 **(K) “FORWARD PISTOL GRIP” MEANS A GRIP THAT ALLOWS FOR**
14 **PISTOL–STYLE GRASP FORWARD OF THE TRIGGER.**

15 **[(k)] (L)** “Hellfire trigger” means a device that, when installed in or attached to
16 a firearm, disengages the trigger return spring when the trigger is pulled.

17 **[(l)] (M)** “Licensed firearms dealer” means a person who holds a dealer’s license
18 under Title 5, Subtitle 1 of the Public Safety Article.

19 **(N) “PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE**
20 **ACTION OF THE WEAPON” MEANS A GRIP THAT ALLOWS FOR A PISTOL–STYLE GRASP**
21 **IN WHICH THE WEB OF THE TRIGGER HAND BETWEEN THE THUMB AND INDEX**
22 **FINGER CAN BE PLACED BELOW THE TOP OF THE EXPOSED PORTION OF THE**
23 **TRIGGER WHILE FIRING.**

24 **[(m)] (O)** (1) “Rapid fire trigger activator” means any device, including a
25 removable manual or power–driven activating device, constructed so that, when installed
26 in or attached to a firearm:

27 (i) the rate at which the trigger is activated increases; or

28 (ii) the rate of fire increases.

29 (2) “Rapid fire trigger activator” includes a bump stock, trigger crank,
30 hellfire trigger, binary trigger system, burst trigger system, or a copy or a similar device,
31 regardless of the producer or manufacturer.

(3) “Rapid fire trigger activator” does not include a semiautomatic replacement trigger that improves the performance and functionality over the stock trigger.

(P) “THUMBHOLE STOCK” MEANS A STOCK WITH A HOLE THAT ALLOWS THE THUMB OF THE TRIGGER HAND TO PENETRATE INTO OR THROUGH THE STOCK WHILE FIRING.

[(n)] (Q) “Trigger crank” means a device that, when installed in or attached to a firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever, or any other part that is turned in a circular motion.

4–303.

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

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

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

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

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

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

(2) **[A] SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION,** A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the licensed firearms dealer lawfully possessed on or before October 1, 2013.

(3) **[A] SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION,** A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013, may:

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

(ii) while carrying a court order requiring the surrender of the assault long gun or copycat weapon, transport the assault long gun or copycat weapon

1 directly to a law enforcement unit, barracks, or station, a State or local law enforcement
2 agency, or a federally licensed firearms dealer, as applicable, if the person has notified a
3 law enforcement unit, barracks, or station that the person is transporting the assault long
4 gun or copycat weapon in accordance with a court order and the assault long gun or copycat
5 weapon is unloaded.

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

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

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

12 (5) A federally licensed firearms dealer may receive and possess an assault
13 weapon received from a person in accordance with a court order to transfer firearms under
14 § 6–234 of the Criminal Procedure Article.

15 **(6) (I) A PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG**
16 **GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2020, SHALL REGISTER THE**
17 **ASSAULT LONG GUN OR COPYCAT WEAPON WITH THE DEPARTMENT OF STATE**
18 **POLICE ON OR BEFORE JANUARY 1, 2021.**

19 **(II) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, A**
20 **PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG GUN OR A COPYCAT WEAPON**
21 **BEFORE OCTOBER 1, 2020, AND WHO VOLUNTARILY REGISTERS THE ASSAULT LONG**
22 **GUN OR COPYCAT WEAPON ON OR AFTER JANUARY 1, 2021, AND BEFORE MAY 1,**
23 **2023, IS NOT SUBJECT TO THE PENALTIES IN § 4–306 OF THIS SUBTITLE.**

24 **(III) A PERSON WHO VOLUNTARILY REGISTERS AN ASSAULT**
25 **LONG GUN OR A COPYCAT WEAPON AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS**
26 **PARAGRAPH IS SUBJECT TO:**

27 **1. ON OR AFTER JANUARY 1, 2021, AND BEFORE MAY 1,**
28 **2021, A REGISTRATION FEE NOT EXCEEDING \$290 PER FIREARM;**

29 **2. ON OR AFTER MAY 1, 2021, AND BEFORE NOVEMBER**
30 **1, 2022, A REGISTRATION FEE NOT EXCEEDING \$580 PER FIREARM; AND**

31 **3. ON OR AFTER NOVEMBER 1, 2022, AND BEFORE MAY**
32 **1, 2023, A REGISTRATION FEE NOT EXCEEDING \$1,000 PER FIREARM.**

33 **(IV) 1. A PERSON WHO LAWFULLY POSSESSED AN ASSAULT**
34 **LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2020, AND WHO REGISTERS**

1 THE ASSAULT LONG GUN OR COPYCAT WEAPON ON OR AFTER JANUARY 1, 2021, AND
2 BEFORE MAY 1, 2023, ONLY AFTER BEING DISCOVERED IN POSSESSION OF THE
3 ASSAULT LONG GUN OR COPYCAT WEAPON BY A LAW ENFORCEMENT OFFICER, IS
4 NOT SUBJECT TO THE PENALTIES IN § 4-306 OF THIS SUBTITLE.

5 2. A PERSON DESCRIBED IN SUBSUBPARAGRAPH 1 OF
6 THIS SUBPARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
7 SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR FOR EACH INCIDENT IN WHICH
8 THE PERSON IS DISCOVERED WITH UNREGISTERED FIREARMS.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2020.