

# 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

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## 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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