

HOUSE BILL 968

E4

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By: **Delegates Kipke, Adams, Anderton, Arentz, Arikan, Beitzel, Boteler, Buckel, Chisholm, Ciliberti, Clark, Corderman, Cox, M. Fisher, Ghrist, Griffith, Hartman, Hornberger, Howard, Jacobs, Kittleman, Krebs, Long, Malone, Mangione, Mautz, McComas, McKay, Metzgar, Miller, Morgan, Otto, Parrott, Pippy, Reilly, Rose, Saab, Shoemaker, Szeliga, and Wivell**

Introduced and read first time: February 5, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Regulated Firearms – Straw Purchase – Penalties**

3 FOR the purpose of altering the penalties for knowingly participating in a straw purchase
4 of a regulated firearm for certain persons; prohibiting a court from suspending any
5 part of a certain mandatory minimum sentence; providing that a certain person is
6 not eligible for parole during a certain mandatory minimum sentence; making
7 certain technical corrections; and generally relating to straw purchases of regulated
8 firearms.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 5–141
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

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

16 **Article – Public Safety**

17 5–141.

18 (a) A dealer or other person may not be a knowing participant in a straw purchase
19 of a regulated firearm [to] **FOR** a minor or [to] **FOR** a person prohibited by law from
20 possessing a regulated firearm.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) (1) A person who violates this section is guilty of a [misdemeanor] **FELONY**
and [on]:

(I) **FOR A FIRST** conviction, is subject to imprisonment **FOR NOT**
LESS THAN 2 YEARS AND not exceeding 10 years or a fine not exceeding \$25,000 or both;
AND

(II) **FOR A SECOND OR SUBSEQUENT CONVICTION, IS SUBJECT**
TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 10 YEARS OR
A FINE NOT EXCEEDING \$25,000 OR BOTH.

(2) **THE COURT MAY NOT SUSPEND ANY PART OF THE APPLICABLE**
MANDATORY MINIMUM SENTENCE OF 2 YEARS OR 5 YEARS.

(3) **THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE**
MANDATORY MINIMUM SENTENCE.

(c) Each violation of this section is a separate crime.

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