

HOUSE BILL 122

E4, E1

4lr0425

By: **Delegate K. Kelly**

Introduced and read first time: January 10, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Assault Weapons and Detachable Magazines – Possession or**
3 **Transport by Nonresident**

4 FOR the purpose of authorizing the possession or transport by a nonresident of the
5 State of an assault weapon or a detachable magazine that has been legally
6 purchased outside the State for the purpose of using the assault weapon or
7 detachable magazine to participate in certain activities, having the assault
8 weapon or detachable magazine repaired at a bona fide repair shop, or traveling
9 through the State for a lawful purpose; and generally relating to assault
10 weapons and detachable magazines.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 4–302
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2013 Supplement)

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

18 **Article – Criminal Law**

19 4–302.

20 This subtitle does not apply to:

21 (1) if acting within the scope of official business, personnel of the
22 United States government or a unit of that government, members of the armed forces
23 of the United States or of the National Guard, law enforcement personnel of the State
24 or a local unit in the State, or a railroad police officer authorized under Title 3 of the
25 Public Safety Article or 49 U.S.C. § 28101;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) a firearm modified to render it permanently inoperative;

2 (3) possession, importation, manufacture, receipt for manufacture,
3 shipment for manufacture, storage, purchases, sales, and transport to or by a licensed
4 firearms dealer or manufacturer who is:

5 (i) providing or servicing an assault weapon or detachable
6 magazine for a law enforcement unit or for personnel exempted under item (1) of this
7 section;

8 (ii) acting to sell or transfer an assault weapon or detachable
9 magazine to a licensed firearm dealer in another state or to an individual purchaser in
10 another state through a licensed firearms dealer; or

11 (iii) acting to return to a customer in another state an assault
12 weapon transferred to the licensed firearms dealer or manufacturer under the terms of
13 a warranty or for repair;

14 (4) organizations that are required or authorized by federal law
15 governing their specific business or activity to maintain assault weapons and
16 applicable ammunition and detachable magazines;

17 (5) the receipt of an assault weapon or detachable magazine by
18 inheritance, and possession of the inherited assault weapon or detachable magazine, if
19 the decedent lawfully possessed the assault weapon or detachable magazine and the
20 person inheriting the assault weapon or detachable magazine is not otherwise
21 disqualified from possessing a regulated firearm;

22 (6) the receipt of an assault weapon or detachable magazine by a
23 personal representative of an estate for purposes of exercising the powers and duties of
24 a personal representative of an estate;

25 (7) possession by a person who is retired in good standing from service
26 with a law enforcement agency of the State or a local unit in the State and is not
27 otherwise prohibited from receiving an assault weapon or detachable magazine if:

28 (i) the assault weapon or detachable magazine is sold or
29 transferred to the person by the law enforcement agency on retirement; or

30 (ii) the assault weapon or detachable magazine was purchased
31 or obtained by the person for official use with the law enforcement agency before
32 retirement;

33 (8) possession or transport by an employee of an armored car company
34 if the individual is acting within the scope of employment and has a permit issued
35 under Title 5, Subtitle 3 of the Public Safety Article; [or]

1 (9) possession, receipt, and testing by, or shipping to or from:

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

4 (ii) a facility or entity that manufactures or provides research
5 and development testing, analysis, or engineering for personal protective equipment or
6 vehicle protection systems; **OR**

7 **(10) POSSESSION OR TRANSPORT BY A NONRESIDENT OF THE**
8 **STATE OF AN ASSAULT WEAPON OR A DETACHABLE MAGAZINE THAT HAS BEEN**
9 **LEGALLY PURCHASED OUTSIDE THE STATE FOR THE PURPOSE OF:**

10 **(I) USING THE ASSAULT WEAPON OR DETACHABLE**
11 **MAGAZINE TO PARTICIPATE IN AN ORGANIZED MILITARY ACTIVITY, A TARGET**
12 **SHOOT, FORMAL OR INFORMAL TARGET PRACTICE, OR A SPORT SHOOTING**
13 **EVENT;**

14 **(II) HAVING THE ASSAULT WEAPON OR DETACHABLE**
15 **MAGAZINE REPAIRED AT A BONA FIDE REPAIR SHOP; OR**

16 **(III) TRAVELING THROUGH THE STATE FOR A LAWFUL**
17 **PURPOSE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2014.