

HOUSE BILL 42

E4

4lr0735

(PRE-FILED)

By: **Delegate Cardin**

Requested: October 25, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Firearms – Application Approval Before Sale, Rental, or**
3 **Transfer**

4 FOR the purpose of prohibiting a licensed firearm dealer or other person,
5 notwithstanding a certain provision of law, from selling, renting, or transferring
6 a regulated firearm to a firearm applicant until the licensee or other person has
7 received a certain notice from the Secretary of State Police; and generally
8 relating to the approval of firearm applications before the sale, rental, or
9 transfer of firearms.

10 BY repealing and reenacting, without amendments,
11 Article – Public Safety
12 Section 5–122
13 Annotated Code of Maryland
14 (2011 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 5–125
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2013 Supplement)

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

22 **Article – Public Safety**

23 5–122.

24 (a) The Secretary shall disapprove a firearm application if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the Secretary determines that the firearm applicant supplied false
2 information or made a false statement;

3 (2) the Secretary determines that the firearm application is not
4 properly completed; or

5 (3) the Secretary receives written notification from the firearm
6 applicant's licensed attending physician that the firearm applicant suffers from a
7 mental disorder and is a danger to the firearm applicant or to another.

8 (b) (1) If the Secretary disapproves a firearm application, the Secretary
9 shall notify the prospective seller, lessor, or transferor in writing of the disapproval
10 within 7 days after the date that the executed firearm application is forwarded to the
11 Secretary by certified mail or facsimile machine.

12 (2) After notifying the prospective seller, lessor, or transferor under
13 paragraph (1) of this subsection, the Secretary shall notify the prospective purchaser,
14 lessee, or transferee in writing of the disapproval.

15 (3) The date when the prospective seller, lessor, or transferor forwards
16 the executed firearm application to the Secretary by certified mail or by facsimile
17 machine is the first day of the 7-day period allowed for notice of disapproval to the
18 prospective seller, lessor, or transferor.

19 5-125.

20 (a) An approved firearm application is valid only for the purchase, rental, or
21 transfer of the regulated firearm listed in the firearm application.

22 (b) A licensee or other person may not sell, rent, or transfer a regulated
23 firearm to a firearm applicant whose firearm application is placed on hold because of
24 an open disposition of criminal proceedings against the firearm applicant or
25 disapproved, unless the hold or disapproval has been subsequently withdrawn by the
26 Secretary or overruled by a court in accordance with § 5-127 of this subtitle.

27 **(C) NOTWITHSTANDING THE TIME PERIOD FOR DISAPPROVAL OF A**
28 **FIREARM APPLICATION UNDER § 5-122 OF THIS SUBTITLE, A LICENSEE OR**
29 **OTHER PERSON MAY NOT SELL, RENT, OR TRANSFER A REGULATED FIREARM TO**
30 **A FIREARM APPLICANT UNTIL THE LICENSEE OR OTHER PERSON HAS RECEIVED**
31 **NOTICE FROM THE SECRETARY THAT THE APPLICANT'S FIREARM APPLICATION**
32 **HAS BEEN APPROVED.**

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