

HOUSE BILL 719

E4

4lr2083

By: **Delegates Smigiel, Afzali, McDermott, W. Miller, and Schulz**

Introduced and read first time: January 31, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Firearms – Probation Before Judgment**

3 FOR the purpose of altering the definition of “convicted of a disqualifying crime” to
4 allow a person who has received probation before judgment to possess a
5 regulated firearm, rifle, or shotgun and to become a firearm dealer and to allow
6 a dealer or other person to sell, rent, or transfer a regulated firearm to a person
7 who has received probation before judgment; and generally relating to probation
8 before judgment and firearms.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 5–101(b–1)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 5–107(b)(4), 5–133(b)(1), 5–134(b)(2), and 5–205(b)(1)
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2013 Supplement)

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

21 **Article – Public Safety**

22 5–101.

23 (b–1) [(1) “Convicted of a disqualifying crime” includes:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) a case in which a person received probation before judgment
2 for a crime of violence; and

3 (ii) a case in which a person received probation before judgment
4 in a domestically related crime as defined in § 6–233 of the Criminal Procedure
5 Article.

6 (2)] “Convicted of a disqualifying crime” does not include a case in
7 which a person received [a] probation before judgment[:

8 (i) for assault in the second degree; or

9 (ii) that was expunged under Title 10, Subtitle 1 of the Criminal
10 Procedure Article].

11 5–107.

12 (b) An application for a dealer’s license shall contain:

13 (4) a statement by the applicant that the applicant:

14 (i) is a citizen of the United States;

15 (ii) is at least 21 years old;

16 (iii) has never been convicted of a disqualifying crime;

17 (iv) has never been convicted of a violation classified as a
18 common law crime and received a term of imprisonment of more than 2 years;

19 (v) is not a fugitive from justice;

20 (vi) is not a habitual drunkard;

21 (vii) is not addicted to a controlled dangerous substance or is not
22 a habitual user; and

23 (viii) has never spent more than 30 consecutive days in a medical
24 institution for treatment of a mental disorder, unless a physician’s certificate issued
25 within 30 days before the date of application is attached to the application, certifying
26 that the applicant is capable of possessing a regulated firearm without undue danger
27 to the applicant or to another.

28 5–133.

29 (b) Subject to § 5–133.3 of this subtitle, a person may not possess a regulated
30 firearm if the person:

1 (1) has been convicted of a disqualifying crime;

2 5–134.

3 (b) A dealer or other person may not sell, rent, or transfer a regulated
4 firearm to a purchaser, lessee, or transferee who the dealer or other person knows or
5 has reasonable cause to believe:

6 (2) has been convicted of a disqualifying crime;

7 5–205.

8 (b) A person may not possess a rifle or shotgun if the person:

9 (1) has been convicted of a disqualifying crime as defined in § 5–101 of
10 this title;

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