

SENATE BILL 758

E4

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By: **Senators Jacobs, Brinkley, Colburn, DeGrange, Dyson, Edwards, Getty, Glassman, Hershey, Jennings, Klausmeier, Middleton, Reilly, Shank, Simonaire, and Stone**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Assault Weapons – Firearms Collector – Possession**

3 FOR the purpose of establishing that certain provisions of law prohibiting the
4 possession of certain assault weapons are not applicable to the possession of a
5 certain number of assault weapons by a certain firearms collector; and generally
6 relating to assault weapons.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 4–302
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2013 Supplement)

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

14 **Article – Criminal Law**

15 4–302.

16 This subtitle does not apply to:

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **(10) POSSESSION OF UP TO FOUR ASSAULT WEAPONS BY A PERSON**
7 **WHO:**

8 **(I) HAS BEEN GRANTED THE STATUS OF “DESIGNATED**
9 **FIREARMS COLLECTOR” BY THE MARYLAND STATE POLICE; OR**

10 **(II) HAS A FEDERAL COLLECTOR’S LICENSE (CURIO AND**
11 **RELICS).**

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