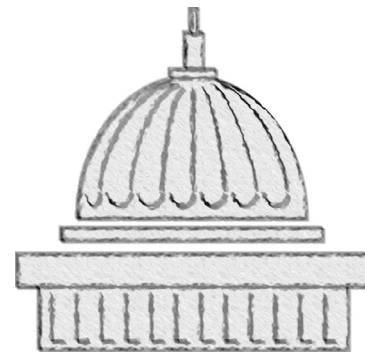


F. NRA / ILA Firearms Laws for

MARYLAND

(As of February, 2006)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	Yes
Licensing of Owners	No	No*
Permit to Carry	No	Yes

- Is a fugitive from justice;
- Is a habitual drunkard;
- Is addicted to a controlled dangerous substance (habitual user);
- Suffers from a mental disorder and has a history of violent behavior against himself or another;
- Has been confined to a facility for more than 30 days for the treatment of a mental disorder;
- Is a respondent against whom a current non ex parte civil protective order has been entered under;
- If under the age of 30, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult;
- Is visibly under the influence of alcohol or drugs;
- Is a participant in a straw purchase; or
- For transactions occurring on or after January 1, 2002, has not completed a certified firearms safety training course conducted free of charge by the Police Training Commission or that meets the standards of the Police Training Commission.

STATE CONSTITUTIONAL PROVISION

Maryland has no constitutional provision granting a "right to bear arms."

PURCHASE

Maryland does not regulate the sale of rifles or shotguns and no permit is required to purchase a rifle or shotgun.

Maryland does regulate the sale, transfer, rent and possession of regulated firearms, which consist of handguns and assault weapons. A person who is not a regulated firearms dealer may not sell, rent, transfer, or purchase any regulated firearm without going through a regulated firearms dealer. Alternatively, the prospective seller/transferor and prospective buyer/transferee may complete the transaction through a designated law enforcement agency.

It is unlawful for any person to sell or transfer a regulated firearm to a person whom he knows or has reasonable cause to believe:

- Is under 21;
- Has been convicted of a disqualifying crime;

Purchase of a handgun or assault weapon from a regulated firearms dealer is subject to disapproval by the Secretary of the Maryland State Police during a seven-day waiting period. The buyer must complete an application form that is sent by the dealer or law enforcement agency to the Secretary of the State Police for investigation. The applicant is required to provide information regarding the buyer's eligibility to purchase or possess a handgun, and a description (including a serial number) of the handgun being purchased. There is a \$10 fee.

The application may be disapproved only if the purchaser is ineligible or if the information supplied is false or incomplete. If no action is taken within seven working days from the date the application is forwarded by the

dealer, the handgun may be delivered to the purchaser. Most Maryland dealers who are licensed by the Maryland State Police, however, routinely await approval from the State Police even after seven days have elapsed. In no case, may the handgun be delivered before seven days even if the application is approved earlier.

A person whose application is denied may request a hearing by writing to the Secretary of the State Police within 30 days after the Secretary forwards notice to the firearm applicant. The Secretary must schedule the hearing within 15 days. At the hearing, and in any subsequent court review, the decision generally will be sustained unless it is shown that the Secretary's decision was arbitrary and capricious.

A person may not purchase more than one regulated firearm in a 30-day period, unless a person who's regulated firearm is stolen or irretrievably lost within that 30 day period and who considers it essential that the regulated firearm be replaced immediately. In this situation, the person must provide the licensed regulated firearms dealer with a copy of the official police report which contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, the date of the loss or theft, and the date that the loss or theft was reported to the law enforcement agency.

A person may not manufacture, sell or offer for sale a handgun manufactured after January 1, 1985, that is not included on the Handgun Roster of approved handguns. The roster is compiled by a Handgun Roster Board that is composed of the Secretary of the State Police and ten additional members appointed by the Governor of Maryland.

The Handgun Roster Board also reviews the status of personalized handguns (defined as having an incorporated design technology allowing it to be fired only by a person who is the authorized user and that prevents any of the safety characteristics from being readily deactivated) and reports annually to the governor and legislature regarding whether such handguns are commercially available.

A regulated firearms dealer may not offer for sale or transfer any handgun manufactured on or before December 31, 2002, unless the handgun is offered for sale or transferred with an external safety lock. Beginning January 1, 2003, handguns manufactured after December 31, 2002, may only be sold or transferred if they have an internal mechanical safety device.

A person who displays a regulated firearm for sale or

transfer from a table or fixed display at a gun show must first obtain a temporary transfer permit from the Secretary of State Police. A criminal history and background check will be conducted. If there is no reason to disapprove the application, the Secretary will issue the permit within seven days of the date of application. The cost of an initial temporary transfer permit is \$10.00 and an additional temporary transfer permit during the same calendar year will be issued without charge. A person may not receive more than five temporary transfer permits during a calendar year.

POSSESSION

No permit is required to possess a rifle or shotgun.

Possession of a regulated firearm is prohibited by any person who:

- Has been convicted of a disqualifying crime;
- Has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
- Is a fugitive from justice;
- Is a habitual drunkard;
- Is addicted to a controlled substance or is a habitual user;
- Suffers from a mental disorder and has a history of violent behavior against himself or another person, or has been confined for more than 30 consecutive days to a mental facility, unless the person possesses a physician's certificate stating that the person is capable of possessing a regulated firearm without undue danger to the person or others (such a person is also prohibited from possessing a rifle or shotgun, unless the person possesses a physician's certificate);
- Is a respondent against whom a current non ex parte protective order has been entered under; or
- Is 30 years old or younger and has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

It is unlawful to possess, sell, offer for sale, transfer, receive, or transport into the State any "assault pistol." Current owners may possess such a pistol if it was registered with the Secretary of the State Police before August 1, 1994. A law enforcement unit may seize as contraband and dispose of any assault pistol transported, sold, transferred, purchased, received, or possessed in the State. The following semiautomatic pistols or their copies are "assault pistols":

AA Arms AP-9; Bushmaster; Claridge HI-Tec; D-

Max Industries; Encom Mk-IV, MP-9, and MP-45; H & K SP-89; Holmes MP83; Ingram MAC 10/11 and any variations, including Partisan Avenger and SWD Cobray; Intratec TEC-9 and DC-9 (centerfire only); P.A.W.S.; Skorpion; Spectre; Uzi; Weaver Arms "Nighthawk"; Wilkinson Arms "Linda".

After June 1, 1994, it is unlawful to sell, offer for sale, purchase, receive, or transfer any detachable firearm magazine (except a tube magazine for a .22) that will hold more than 20 rounds. Possession is not prohibited.

CARRYING AND TRANSPORTATION IN VEHICLES

Rifles and shotguns being transported in motor vehicles must be unloaded.

It is unlawful for any person without a permit to wear or carry a handgun, openly or concealed, upon or about his person. It is also unlawful for any person to knowingly transport a handgun in any vehicle traveling on public roads, highways, waterways or airways, or upon roads or parking lots generally used by the public. This does not apply to any person wearing, carrying or transporting a handgun within the confines of real estate owned or leased by him, or on which he resides, or within the confines of a business establishment owned or leased by him.

A person may transport a handgun if they can demonstrate that the handgun is being carried, worn or transported:

- To or from a place of legal purchase or sale, or repair shop;
- Between a person's bona fide residences, or between his residence and place of business, if the business is operated and substantially owned by that person;
- While engaged in, or traveling to and from a target shoot, formal or informal target practice, sport shooting event, hunting, trapping, or dog obedience training class or show; or
- By a bona fide gun collector who is moving any part or all of his gun collection from place to place for public or private exhibition.

During transportation to and from the above places the handgun must be unloaded and carried in an enclosed case or enclosed holster. An additional penalty is provided for any person convicted of unlawfully wearing, carrying or transporting a handgun, if his deliberate purpose was to injure or kill another person.

PERMIT TO CARRY

Application for a permit to carry a handgun is made to the Secretary of State Police. In addition to the printed application form, the applicant should submit a notarized letter stating the reasons why he is applying for a permit.

The permit may be issued if the Secretary finds that the applicant:

- Is 18 years of age or older;
- Has not been convicted of a felony, or of a crime punishable by imprisonment for more than one year;
- Has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;
- Is not an alcoholic, addict, or habitual user of a controlled substance;
- Based on the results of an investigation, has not exhibited a propensity for violence or instability; and
- Based on the results of an investigation, has demonstrated a "good and substantial reason" to carry a handgun, including a finding that the permit is "necessary as a reasonable precaution against apprehended danger."

If an applicant is under the age of 30, the applicant is only qualified if the Secretary of the State Police finds that the applicant has not been:

- Committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency; or
- Adjudicated a delinquent by a juvenile court for an act that would be a crime of violence, a felony, or punishable by more than 2 years, if committed by an adult.

The Secretary, in his discretion, may add restrictions to the permit including limiting the location, circumstances or time at which the handgun may be carried.

The Secretary may charge a \$75.00 nonrefundable fee payable upon submission of the application. The renewal fee is \$50.00, and a duplicate or modified permit is \$10.00. These fees may be reduced accordingly for a permit that is limited in time and place.

The permit is valid for two years after its issuance and expires on the last day of the holder's birth month. Subsequent renewals are valid for periods of three years each. A permit holder must carry his permit whenever he carries, wears or transports a handgun. The permit is valid for each handgun legally in the possession of the person to whom the permit is issued.

It is unlawful for a permit holder to carry a handgun

while under the influence of alcohol or drugs.

A person who is denied a permit, is denied renewal, has his permit revoked, or has a permit limited as to time and place may request the Secretary of the State Police to conduct an informal review. A written request must be filed with the Secretary within 10 days after receiving written notice of the Secretary's initial action. Alternatively, a person may request that the Handgun Permit Review Board review the decision of the Secretary by filing a written request within 10 days of the Secretary's initial action.

ANTIQUES

An antique firearm is defined as a firearm manufactured before 1899, or any replica thereof, which is not designed for firing fixed ammunition or which uses fixed ammunition and is no longer manufactured in the United States or readily available commercially. Antique firearms are exempt from state law.

MACHINE GUNS

A machine gun is defined as a loaded or unloaded weapon wherein more than one shot may be automatically discharged from a magazine by a single function of the firing device.

Possession of a machine gun for an aggressive or offensive purpose is prohibited. A machine gun must be registered within 24 hours of acquisition and annually thereafter with the Secretary of Police. There is a \$10 fee.

A presumption of possession for an aggressive or offensive purpose is raised by (a) a failure to register the machine gun, (b) possession by a person who has been convicted of a crime of violence or by an alien, (c) possession elsewhere than on one's premises owned or rented for permanent residence or business occupancy, or (d) when empty or loaded shells for the machine gun are found in the immediate vicinity thereof.

This law does not prohibit or interfere with any machine gun that is (a) manufactured, sold, or transported for a military force or peace officer of the United States, (b) possessed for scientific purposes, (c) not usable as a

weapon and possessed as a curiosity, ornament or keepsake, or (d) possessed for a purpose manifestly not aggressive or offensive.

MISCELLANEOUS

It is unlawful to alter or obliterate the manufacturer's identification mark or number on any firearm. Any person in possession of such a weapon will be presumed to have committed the offense.

The Maryland state legislature has reserved to itself (and denied to county and local governments) the right to regulate possession, sale, carrying and transportation of firearms.

It is unlawful to carry any firearm or deadly weapon of any kind on any public school property.

The use of a handgun in the commission of a felony or any crime of violence is a separate crime. In addition to any other sentence imposed, the court is required to impose no less than the minimum sentence of five years, that may not be suspended, nor may probation be granted.

It is unlawful to store or leave a loaded firearm where a person knows or should know that an unsupervised person under 16 could gain access to it.

Any manufacturer that ships or transports a handgun to be sold, rented, or transferred in Maryland must include in the box with the handgun a separate sealed container holding a spent casing from that handgun. A handgun dealer must confirm compliance with this provision. A handgun dealer shall forward the sealed container holding a spent casing from the handgun that is subsequently sold or transferred to the state police.

Sources: Md. Code Ann., [Criminal Law] § 4 (2004) et seq.; [Public Safety] § 5 (2004) et seq.; NAT. RES., § 10 (2004) et seq.

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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