

# A Review of Firearms Law in the State of Maryland



# Maryland Law

- MD Criminal Law Code Ann. 4-104
- MD Criminal Law Code Ann. 4-203
- MD Public Safety Code Ann. 5-101
- MD Public Safety Code Ann. 5-117.1
- MD Public Safety Code Ann. 5-118 (2013)
- MD Public Safety Code Ann. 5-123
- MD Public Safety Code Ann. 5-128
- MD Public Safety Code Ann. 5-133
- MD Public Safety Code Ann. 5-136
- MD Public Safety Code Ann. 5.133.1(2013)
- MD Public Safety Code Ann. 5-303
- MD Public Safety Code Ann. 5-306
- MD Public Safety Code Ann. 5-308

# Link to Maryland Law

- We will discuss the sections of Maryland Law in the following slides; however the most current versions of the law can be found by utilizing the following link.
  - <http://www.lexisnexis.com/hottopics/mdcode/>

# MD Public Safety 5-101

## Firearm Definition

- "Firearm" means:
  - (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or
  - (ii) the frame or receiver of such a weapon.
- (2) "Firearm" includes a starter gun.

# Firearms Storage



# MD Criminal Law 4-104

## Firearm Storage around Children

- A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.
- A child- is an individual under 16 years of age.
- A firearm- includes but not limited to a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun.

# MD Criminal Law 4-104 Firearm Storage around Children (cont'd.)

Exceptions.- This section does not apply if:

- (1) the child's access to a firearm is supervised by an individual at least 18 years old;
- (2) the child's access to a firearm was obtained as a result of an unlawful entry;
- (3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- (4) the child has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

# Transporting a Handgun





# MD Criminal Law 4-203

## Transporting and Carrying a Handgun

- A person may not:
  - i. wear, carry, or transport a handgun, whether concealed or open, on or about the person;
  - ii. wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;
- The courts of Maryland presume that a person who transports a handgun as described in section (ii) above does so knowingly.
- There are exceptions to this law which will be discussed further

# Exceptions to MD Criminal Law 4-203

- If the individual is authorized to carry a firearm at the time in question and is:
  - a law enforcement official of the United States, the State, or a county or city of the State
  - a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty
  - a law enforcement official of another state or subdivision of another state temporarily in this State on official business
  - a correctional officer or warden of a correctional facility in the State;

# Exceptions to MD Criminal Law 4-203 (cont'd.)

- a sheriff or full-time assistant or deputy sheriff of the State; or
- a temporary or part-time sheriff's deputy;
- an individual whom is issued a Maryland Wear and Carry Permit.
- While transporting the firearm for lawful purposes such as but not limited to a repair shop, shooting range, hunting; by the person to and from the activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster.

# MD Public Safety 5-117.1

## Handgun Qualification License

- In general. -- A dealer or any other person may not sell, rent, or transfer a handgun to a purchaser, lessee, or transferee unless the purchaser, lessee, or transferee presents to the dealer or other person a valid handgun qualification license issued to the purchaser, lessee, or transferee by the Secretary under this section.

# MD Public Safety 5-117.1

## Handgun Qualification License (cont'd.)

- Requirements. -- A person may purchase, rent, or receive a handgun only if the person:
  - (1) (i) possesses a valid handgun qualification license issued to the person by the Secretary in accordance with this section;
  - (ii) possesses valid credentials or retirement credentials from a law enforcement agency of the United States, the State, or any local law enforcement agency in the State
  - (iii) is an active or retired member of the armed forces of the United States or the National Guard and possesses a valid military identification card; or
  - (iv) is purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives; and
- (2) is not otherwise prohibited from purchasing or possessing a handgun under State or federal law.

# MD Public Safety 5-117.1

## Handgun Qualification License (cont'd.)

- Qualifications for license. -- Subject to subsections (f) and (g) of this section, the Secretary shall issue a handgun qualification license to a person who the Secretary finds:
  - (1) is at least 21 years old;
  - (2) is a resident of the State;
  - (3) has demonstrated satisfactory completion, within 3 years prior to the submission of the application, of a firearms safety training course approved by the Secretary
- EXCEPTIONS CAN BE LOCATED BY UTILIZING THE FOLLOWING LINK:  
<http://www.lexisnexis.com/hottopics/mdcode/>

# MD Public Safety 5-117.1

## Handgun Qualification License (cont'd.)



- A handgun qualification license issued under this section expires 10 years from the date of issuance.

# Who is Prohibited from Owning a Firearm?





# MD Public Safety 5-118

## Firearm Application

Requirements of owning a firearm in Maryland

- Minimum age..... 21 years old
- has never been convicted of a disqualifying crime;
- has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years
- is not a fugitive from justice
- is not a habitual drunkard or addicted to a controlled dangerous substance or is not a habitual user
- does not suffer from a mental disorder as defined in § 10–101(f)(2) of the Health – General Article and have a history of violent behavior against the firearm applicant or another
- has never been found incompetent to stand trial under § 3–106 of the Criminal Procedure Article;
- has never been found not criminally responsible under § 3–110 of Criminal Procedure Article.

# MD Public Safety 5-118

## Firearm Application (cont'd.)

- has never been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;
- has never been involuntarily committed to a facility as defined in § 10–101 of the Health – General Article;
- is not under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- is not a respondent against whom:
  - a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or
  - an order for protection, as defined in § 4–508.1 of the Family Law Article, has been issued by a court of another state or a Native American tribe and is in effect; and
- if under the age of 30 years at the time of application, has not been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult

# MD Public Safety 5-123

## Time for licensee to complete transactions

- Seven-day waiting period. -- A licensee may not sell, rent, or transfer a regulated firearm until after 7 days following the time a firearm application is executed by the firearm applicant, in triplicate, and the original is forwarded by the prospective seller or transferor to the Secretary.

# MD Public Safety 5-128 – Firearm's Transfer Timeframe



- A person may not purchase more than one regulated firearm in a 30-day period.

# MD Public Safety 5-128

## Firearm's Transfer Timeframe (cont'd.)

Exceptions include but are not limited to:

- The purchase of an antique firearm
- Designated Collector
- Law enforcement officer or other persons using a firearm for official purposes
- Purchase by a licensee
- The exchange or replacement of a regulated firearm by a seller for a regulated firearm purchased from the seller by the same person seeking the exchange or replacement within 30 days immediately before the exchange or replacement

# Regulated Firearm vs. Non-Regulated Firearm

“Regulated firearm”- means:

(1) a handgun; or

(2) a firearm that is classified or defined by Maryland law as an assault weapon

“Non-Regulated firearm”- means:

any rifle or shotgun that does not meet the definition of an assault weapon

# Who is Prohibited from Regulated Firearm Ownership?



# MD Public Safety 5-133

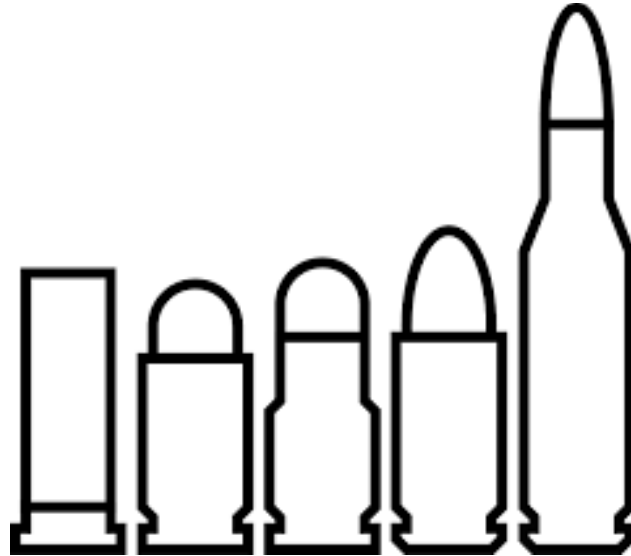
## Firearm Ownership

- These restrictions are the same as those found under MD Public Safety 5-118.
- In addition to the prohibitive offenses found in the previous slides the following are also considered prohibitors:
  - A person may not possess a regulated firearm if the person was previously convicted of:
    - a crime of violence;
    - a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, or § 5–614 of the Criminal Law Article; or
    - an offense under the laws of another state or the United States that would constitute one of the crimes listed in the above items of this paragraph if committed in this State.



# MD Public Safety 5-133.1

## Ammunition Possession



- A person may not possess ammunition if the person is prohibited from possessing a regulated firearm under § 5–133

# MD Public Safety 5-136

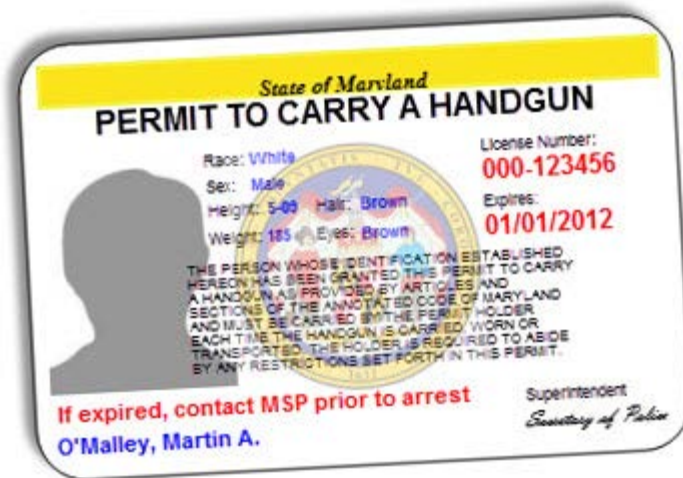


- A person may not knowingly or willfully participate in a straw purchase of a regulated firearm
  - Straw purchase” means a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to:
    - (1) complete the application to purchase a regulated firearm;
    - (2) take initial possession of the regulated firearm; and
    - (3) subsequently transfer the regulated firearm to the person.

# MD Public Safety 5-303

## Maryland Wear and Carry Permit

- A person shall have a permit issued under this subtitle before the person carries, wears, or transports a handgun



# MD Public Safety 5-306

## Maryland Wear and Carry Permit

You are eligible if:

- You are not prohibited from possessing a firearm
- You are an adult
- You have not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance
- You are not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled substance is under legitimate medical direction
- You have completed the required training course
- You have not exhibited a propensity for violence or instability
- You have a good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger.

# MD Public Safety 5-306 (cont'd.) Maryland Wear and Carry Permit

HQL exemption for those who possess a valid  
Maryland Wear and Carry Permit

- The Secretary may issue a handgun qualification license, without an additional application or fee, to a person who:
  - meets the requirements for issuance of a permit under this section; and
  - does not have a handgun qualification license issued under § 5–117.1 of this title.

# MD Public Safety 5-308

## Possession of permit required



- A person to whom a permit is issued or renewed shall carry the permit in the person's possession whenever the person carries, wears, or transports a handgun.

# Contact Information

- If you should have any additional questions please contact the Handgun Qualification Unit at :

[MSP.HQL@Maryland.gov](mailto:MSP.HQL@Maryland.gov)

Phone: 410-653-4577

Sgt Jeremy Burns- Unit Supervisor

Cpl Joseph Durkee- Assistant Supervisor

Cpl William Rasinski- Assistant Supervisor

# Maryland State Firearm Law Test

## ATTENTION:

Once your test is submitted you will be notified of your test results via email. If you receive a passing score you will be required to attach the following documents to your HQL application. For current law enforcement you will need to submit a copy of your agency identification and verification of employment on agency letterhead. For retired law enforcement you will need to submit a copy of your retired identification. If you do not receive a passing score please review this presentation and try again. To access the test please click on the link below:

[Maryland State Firearms Law Test](#)