



Maryland State Police
Licensing Division
ADVISORY
LD-FRS-14-003



May 16, 2014

Receivers of Banned Assault Long Guns

This Advisory is being published in response to a number of inquiries received by the Firearms Registration Unit regarding whether or not “stripped” receivers of banned assault long guns are able to be sold in Maryland after October 1, 2013.

I. Definitions

Maryland law, Public Safety Article (“PS”) § 5-101(h) (ii) defines “firearm” as:

1. a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; OR
2. the frame or receiver of such a weapon.

Because non-banned weapons, such as pistols and some short-barrel rifles, may be built upon the “stripped” lower receivers of banned assault long guns, the sale of lower receivers of banned assault long guns are not prohibited. This is the case as the “stripped” lower receiver is not, at that point, an assault pistol, an assault long gun or a copycat weapon. However, the “stripped” lower receiver, as per the definition above, is still considered a firearm and therefore is subject to the 77R process.

It should be noted, once the owner attempts to convert the “stripped” receiver of a banned assault long gun into a useable firearm, proper attention to Maryland law should be given. The useable firearm may be built into a lawful weapon, like a Colt AR-15 Sporter H-BAR rifle, or a copy thereof, but may not lawfully be built into a prohibited “banned” weapon.

II. Frequently Asked Questions

May I build my lower receiver purchased prior to 10/1/13 into an assault long gun, a handgun or heavy barrel?

Yes, a lower receiver purchased prior to 10/1/2013 may be built into an assault long gun, provided there is compliance with federal and other State laws.

May I build my lower receiver purchased after 10/1/2013 into an assault long gun?

No, a lower receiver of a banned assault long gun purchased after 10/1/2013 may be built—provided there is compliance with federal and other State laws—only into a handgun, a short-barreled rifle that has an overall length of 29 inches or greater, or if the lower receiver is an AR15 platform, into a heavy-barrel model.

May I build my lower receiver purchased at any time into a handgun?

Yes, a lower receiver of a banned assault long gun may be manufactured—provided there is compliance with federal and other State laws—into a handgun.

Do I need a Handgun Qualification License (HQL) in order to purchase a lower receiver?

No, a lower receiver of a banned assault long gun is classified by the State as a “firearm,” but not a “handgun.” A Handgun Qualification License (HQL) is only needed if you are purchasing a handgun that is not classified as a curio and relic.

Is there a minimum length to be considered when building a rifle?

A semi-automatic centerfire rifle with an overall length of less than 29 inches is a prohibited “copycat weapon” under Criminal Law (“CR”) § 4-301(e)(1)(iii) and is subject to Title 4, Subtitle 3, of the Criminal Law Article.

CR § 4-201(f) defines “short-barreled rifle” as a rifle that has:

1. One or more barrels with one or both measuring less than 16 inches long; OR
2. Has an overall length of less than 26 inches and was made from a rifle either by alteration or modification.

Short-barreled rifles fitting within definition 1 may be lawfully manufactured and transferred if they have an overall length of 29 inches or more. Short-barreled rifles fitting within definition 2 are necessarily banned as copycat weapons under CR § 4-301(e)(1)(iii).

Under Public Safety Article (“PS”) § 5-203, a person (not exempted due to law enforcement, corrections or military employment) may not possess a short-barreled rifle unless the firearm has been registered with the federal government in accordance with federal law.

Because CR § 4-201(c)(2) defines “handgun” to include short-barreled rifles, short-barreled rifles are subject to the wear, carry and transport restrictions contained in CR § 4-203.

Additionally, because the Handgun Roster Board law uses the definition of “handgun” contained in CR § 4-201(c)(2), a short-barreled rifle may not be sold in Maryland, or manufactured for distribution in Maryland, unless included on the Handgun Roster.

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A short-barreled rifle with a barrel length of less than 16 inches is a "handgun" under PS 5-101(n)(1) and is subject to all of the requirements for sale and possession of a handgun under Title 5, Subtitle 1, of the Public Safety Article.

Is there a minimum length to be considered when building a shotgun?

CR § 4-201(g) defines "short-barreled shotgun" as a shotgun that has:

1. One or more barrels with one or both measuring less than 18 inches long; OR
2. Has an overall length of less than 26 inches and was made from a shotgun either by alteration or modification.

Under PS § 5-203, a person (not exempted due to law enforcement, corrections or military employment) may not possess a short-barreled shotgun unless the firearm has been registered with the federal government in accordance with federal law.

Because CR § 4-201(c)(2) defines "handgun" to include short-barreled shotguns, short-barreled shotguns are subject to the wear, carry and transport restrictions contained in CR § 4-203.

Additionally, because the Handgun Roster Board law uses the definition of "handgun" contained in CR § 4-201(c)(2), a short-barreled shotgun may not be sold in Maryland, or manufactured for distribution in Maryland, unless included on the Handgun Roster.

A short-barreled shotgun with a barrel length of less than 16 inches is a "handgun" under PS 5-101(n)(1) and is subject to the all of the requirements for sale and possession of a handgun under Title 5, Subtitle 1, of the Public Safety Article.

Is a short barrel shotgun with a barrel length of 16 inches or greater a handgun?

A short-barreled shotgun with a barrel length of 16 inches or greater is not a handgun for purposes of the laws governing sale or possession of a handgun under Title 5, Subtitle 1, of the Public Safety Article.

A short-barreled shotgun with a barrel length of 16 inches or greater is a handgun for purposes of the application of the Handgun Roster law contained in Title 5, Subtitle 4, of the Public Safety Article.

A short-barreled shotgun, regardless of barrel length, is a handgun for purposes of the wear, carry and transport restrictions contained in CR § 4-203.

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May I sell my handgun built from a lower receiver?

A Maryland resident may sell a handgun, whether or not built from a lower receiver of a banned assault long gun, provided that he or she has complied with federal manufacturing laws and the handgun is listed on the Handgun Roster.

May I build a 17" short-barreled shotgun?

Yes, a Maryland citizen may manufacture a 17" short barreled-shotgun in compliance with federal law.

May I sell a 17" short-barreled shotgun?

The 17" short-barreled shotgun would be required to be on the Handgun Roster as short-barreled shotguns and short-barreled rifles are defined in CR 4 201 (c) (2) as a "handgun." The sale must be in compliance with federal law for the National Firearms Act weapons. A 77R would not be required for short-barreled shotguns that have a barrel length between 16" and less than 18".