

HOUSE BILL 888

E4

8lr0817
CF SB 707

By: Delegates Moon, J. Lewis, Walker, Ali, Anderson, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Cullison, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gibson, Gilchrist, Glenn, Gutierrez, Haynes, Healey, Hettleman, Hill, Hixson, Jackson, Jalisi, Kaiser, Kelly, Korman, Kramer, Krimm, Lafferty, Lam, R. Lewis, Lierman, Luedtke, McIntosh, A. Miller, Morales, Morhaim, Mosby, Patterson, Pena-Melnyk, Pendergrass, Proctor, Queen, Reznik, Robinson, Rosenberg, Sample-Hughes, Sanchez, Sophocleus, Sydnor, Tarlau, Turner, Valderrama, Valentino-Smith, Vallario, Waldstreicher, A. Washington, M. Washington, Wilkins, Wilson, K. Young, and P. Young

Introduced and read first time: February 5, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2018

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Firearm Crimes – Rapid Fire Trigger Activator**

3 FOR the purpose of prohibiting a person from transporting a certain rapid fire trigger
4 activator into the State or manufacturing, possessing, selling, offering to sell,
5 transferring, purchasing, or receiving a certain rapid fire trigger activator, subject
6 to a certain exception; applying certain penalties; establishing a certain penalty for
7 using a rapid fire trigger activator in the commission of a certain crime; defining
8 certain terms; providing for a delayed effective date for certain provisions of this Act;
9 and generally relating to firearm crimes.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 4-301 and 4-306
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Criminal Law
3 Section 4–305.1
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2017 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 4–305.1
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2017 Supplement)
11 (As enacted by Section 1 of this Act)

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

14 **Article – Criminal Law**

15 4–301.

16 (a) In this subtitle the following words have the meanings indicated.

17 (b) “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the
18 Public Safety Article.

19 (c) “Assault pistol” means any of the following firearms or a copy regardless of
20 the producer or manufacturer:

21 (1) AA Arms AP–9 semiautomatic pistol;

22 (2) Bushmaster semiautomatic pistol;

23 (3) Claridge HI–TEC semiautomatic pistol;

24 (4) D Max Industries semiautomatic pistol;

25 (5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

26 (6) Heckler and Koch semiautomatic SP–89 pistol;

27 (7) Holmes MP–83 semiautomatic pistol;

28 (8) Ingram MAC 10/11 semiautomatic pistol and variations including the
29 Partisan Avenger and the SWD Cobray;

30 (9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;

- 1 (10) P.A.W.S. type semiautomatic pistol;
- 2 (11) Skorpion semiautomatic pistol;
- 3 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
- 4 (13) UZI semiautomatic pistol;
- 5 (14) Weaver Arms semiautomatic Nighthawk pistol; or
- 6 (15) Wilkinson semiautomatic "Linda" pistol.

7 (d) "Assault weapon" means:

- 8 (1) an assault long gun;
- 9 (2) an assault pistol; or
- 10 (3) a copycat weapon.

11 **(E) "BINARY TRIGGER SYSTEM" MEANS A DEVICE THAT, WHEN INSTALLED**
12 **IN OR ATTACHED TO A FIREARM, FIRES BOTH WHEN THE TRIGGER IS PULLED AND**
13 **ON RELEASE OF THE TRIGGER.**

14 **(F) "BUMP STOCK" MEANS A DEVICE THAT, WHEN INSTALLED IN OR**
15 **ATTACHED TO A FIREARM, INCREASES THE RATE OF FIRE OF THE FIREARM BY USING**
16 **ENERGY FROM THE RECOIL OF THE FIREARM TO GENERATE A RECIPROCATING**
17 **ACTION THAT FACILITATES REPEATED ACTIVATION OF THE TRIGGER.**

18 **(G) "BURST TRIGGER SYSTEM" MEANS A DEVICE THAT, WHEN INSTALLED IN**
19 **OR ATTACHED TO A FIREARM, ALLOWS THE FIREARM TO DISCHARGE TWO OR MORE**
20 **SHOTS WITH A SINGLE PULL OF THE TRIGGER BY ALTERING THE TRIGGER RESET.**

21 ~~(H)~~ (H) (1) "Copycat weapon" means:

- 22 (i) a semiautomatic centerfire rifle that can accept a detachable
23 magazine and has any two of the following:
- 24 1. a folding stock;
- 25 2. a grenade launcher or flare launcher; or
- 26 3. a flash suppressor;

1 (ii) a semiautomatic centerfire rifle that has a fixed magazine with
2 the capacity to accept more than 10 rounds;

3 (iii) a semiautomatic centerfire rifle that has an overall length of less
4 than 29 inches;

5 (iv) a semiautomatic pistol with a fixed magazine that can accept
6 more than 10 rounds;

7 (v) a semiautomatic shotgun that has a folding stock; or

8 (vi) a shotgun with a revolving cylinder.

9 (2) "Copycat weapon" does not include an assault long gun or an assault
10 pistol.

11 ~~(I)~~ **(I)** "Detachable magazine" means an ammunition feeding device that can be
12 removed readily from a firearm without requiring disassembly of the firearm action or
13 without the use of a tool, including a bullet or cartridge.

14 ~~(J)~~ **(J)** "Flash suppressor" means a device that functions, or is intended to function,
15 to perceptibly reduce or redirect muzzle flash from the shooter's field of vision.

16 **(K) "HELLFIRE TRIGGER" MEANS A DEVICE THAT, WHEN INSTALLED IN OR**
17 **ATTACHED TO A FIREARM, DISENGAGES THE TRIGGER RETURN SPRING WHEN THE**
18 **TRIGGER IS PULLED.**

19 ~~(L)~~ **(L)** "Licensed firearms dealer" means a person who holds a dealer's license
20 under Title 5, Subtitle 1 of the Public Safety Article.

21 ~~(I) "MACHINE GUN" HAS THE MEANING STATED IN § 4-401 OF THIS TITLE.~~

22 ~~(J) (M) (1) "RAPID FIRE TRIGGER ACTIVATOR" MEANS ANY DEVICE,~~
23 ~~PART, OR COMBINATION OF DEVICES OR PARTS THAT IS DESIGNED AND FUNCTIONS~~
24 ~~TO ACCELERATE THE RATE OF FIRE OF A FIREARM BEYOND THE STANDARD RATE OF~~
25 ~~FIRE FOR FIREARMS THAT ARE NOT EQUIPPED WITH THAT DEVICE, PART, OR~~
26 ~~COMBINATION OF DEVICES OR PARTS~~ **ANY DEVICE, INCLUDING A REMOVABLE**
27 **MANUAL OR POWER-DRIVEN ACTIVATING DEVICE, CONSTRUCTED SO THAT, WHEN**
28 **INSTALLED IN OR ATTACHED TO A FIREARM:**

29 **(I) THE RATE AT WHICH THE TRIGGER IS ACTIVATED**
30 **INCREASES; OR**

31 **(II) THE RATE OF FIRE INCREASES.**

1 (2) “RAPID FIRE TRIGGER ACTIVATOR” INCLUDES A BUMP STOCK
2 ~~AND TRIGGER CRANK, TRIGGER CRANK, HELLFIRE TRIGGER, BINARY TRIGGER~~
3 SYSTEM, BURST TRIGGER SYSTEM, OR A COPY OR A SIMILAR DEVICE, REGARDLESS
4 OF THE PRODUCER OR MANUFACTURER.

5 (3) “RAPID FIRE TRIGGER ACTIVATOR” DOES NOT INCLUDE A
6 SEMIAUTOMATIC REPLACEMENT TRIGGER THAT IMPROVES THE PERFORMANCE
7 AND FUNCTIONALITY OVER THE STOCK TRIGGER.

8 (N) “TRIGGER CRANK” MEANS A DEVICE THAT, WHEN INSTALLED IN OR
9 ATTACHED TO A FIREARM, REPEATEDLY ACTIVATES THE TRIGGER OF THE FIREARM
10 THROUGH THE USE OF A CRANK, A LEVER, OR ANY OTHER PART THAT IS TURNED IN
11 A CIRCULAR MOTION.

12 4-305.1.

13 ~~A~~ (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON
14 MAY NOT:

15 (1) TRANSPORT A RAPID FIRE TRIGGER ACTIVATOR INTO THE STATE;
16 OR

17 (2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER,
18 PURCHASE, OR RECEIVE A RAPID FIRE TRIGGER ACTIVATOR.

19 (B) THIS SECTION DOES NOT APPLY TO THE POSSESSION OF A RAPID FIRE
20 TRIGGER ACTIVATOR BY A PERSON WHO:

21 (1) POSSESSED THE RAPID FIRE TRIGGER ACTIVATOR BEFORE
22 OCTOBER 1, 2018;

23 (2) APPLIED TO THE FEDERAL BUREAU OF ALCOHOL, TOBACCO,
24 FIREARMS AND EXPLOSIVES BEFORE OCTOBER 1, 2018, FOR AUTHORIZATION TO
25 POSSESS A RAPID FIRE TRIGGER ACTIVATOR; AND

26 (3) IS IN COMPLIANCE WITH ALL FEDERAL REQUIREMENTS FOR
27 POSSESSION OF A RAPID FIRE TRIGGER ACTIVATOR.

28 4-306.

29 (a) Except as otherwise provided in this subtitle, a person who violates this
30 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not
31 exceeding 3 years or a fine not exceeding \$5,000 or both.

(b) (1) A person who uses an assault weapon, **A RAPID FIRE TRIGGER ACTIVATOR**, or a magazine that has a capacity of more than 10 rounds of ammunition, in the commission of a felony or a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any other sentence imposed for the felony or crime of violence, shall be sentenced under this subsection.

(2) (i) For a first violation, the person shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years.

(iii) The mandatory minimum sentence of 5 years may not be suspended.

(iv) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(3) (i) For each subsequent violation, the person shall be sentenced to imprisonment for not less than 10 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 10 years.

(iii) A sentence imposed under this paragraph shall be consecutive to and not concurrent with any other sentence imposed for the felony or crime of violence.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Law

4–305.1.

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport a rapid fire trigger activator into the State; or

(2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a rapid fire trigger activator.

(b) This section does not apply to the possession of a rapid fire trigger activator by a person who:

(1) possessed the rapid fire trigger activator before October 1, 2018;

1 (2) applied to the federal Bureau of Alcohol, Tobacco, Firearms and
2 Explosives before October 1, 2018, for authorization to possess a rapid fire trigger activator:
3 [and]

4 (3) **RECEIVED AUTHORIZATION TO POSSESS A RAPID FIRE TRIGGER**
5 **ACTIVATOR FROM THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND**
6 **EXPLOSIVES BEFORE OCTOBER 1, 2019; AND**

7 (4) is in compliance with all federal requirements for possession of a rapid
8 fire trigger activator.

9 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
10 effect October 1, 2019.

11 SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in
12 Section 3 of this Act, this Act shall take effect October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.