

Chapter 458

(Senate Bill 346)

AN ACT concerning

**Public Safety – Regulated Firearms – ~~Transfer~~ Sell, Rent, Transfer, or Loan  
Prohibition of Loans**

FOR the purpose of ~~providing that, for certain purposes, the term “transfer” includes a loan other than a certain exchange of a regulated firearm between two individuals under certain circumstances providing that a firearms dealer or other person may not loan a regulated firearm to a certain person under certain circumstances; providing that a dealer or other person may not sell, rent, transfer, or loan a regulated firearm to a certain person who the dealer or other person knows or has reason to believe intends to commit a certain crime or cause certain harm; prohibiting a certain dealer or other person from loaning a regulated firearm to a certain borrower under certain circumstances; prohibiting a certain dealer or other person from selling, renting, loaning, or transferring a regulated firearm to a certain person who the dealer or other person knows or has reason to believe intends to commit a certain crime or cause certain harm; creating a certain exception to a certain prohibition on selling, renting, loaning, or transferring a regulated firearm to a person under a certain age; providing that a person who is the recipient of a loan borrower of a regulated firearm is not required to take a certain safety course; making certain conforming changes; and generally relating to regulated firearms.~~

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section ~~5-124~~ ~~5-134~~ 5-134(b) and (c)  
Annotated Code of Maryland  
(2018 Replacement Volume)

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

**Article – Public Safety**

~~5-124.~~

~~(A) IN THIS SECTION, “TRANSFER” INCLUDES A LOAN OTHER THAN A TEMPORARY GRATUITOUS EXCHANGE OF A REGULATED FIREARM BETWEEN TWO INDIVIDUALS WHO REMAIN IN THE SAME LOCATION FOR THE DURATION OF THE EXCHANGE.~~

~~[(a)] (B) (1) A person who is not a licensee may not sell, rent, transfer, or purchase 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 a licensee to the Secretary.~~

~~(2) As an alternative to completing a secondary sale of a regulated firearm through a licensee, a prospective seller, lessor, or transferor and a prospective purchaser, lessee, or transferee may complete the transaction through a designated law enforcement agency.~~

~~[(b)] (C) A firearm applicant for a secondary sale of a regulated firearm through a licensee shall pay to the licensee a processing fee not exceeding \$20.~~

~~[(e)] (D) A person shall complete the sale, rental, or transfer of a regulated firearm within 90 days after the firearm application was stamped by the Secretary as not being disapproved.~~

~~[(d)] (E) (1) If the sale, rental, or transfer of a regulated firearm is not completed within 90 days after the firearm application was stamped by the Secretary as not being disapproved, a person shall return the firearm application to the Secretary within 7 days.~~

~~(2) The Secretary shall void a firearm application returned under paragraph (1) of this subsection as an incomplete sale, rental, or transfer.~~

~~[(e)] (F) (1) (i) A person who sells, rents, or transfers a regulated firearm in compliance with this subtitle shall forward a copy of the written notification of the completed transaction to the Secretary within 7 days after delivery of the regulated firearm.~~

~~(ii) The notification shall contain an identifying description of the regulated firearm, including its caliber, make, model, any manufacturer's serial number, and any other special or peculiar characteristic or marking by which the regulated firearm may be identified.~~

~~(2) The Secretary shall maintain a permanent record of all notifications received of completed sales, rentals, and transfers of regulated firearms in the State.~~

5-134.

~~(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the transfer by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the transfer of a regulated firearm.~~

~~(b) IN THIS SECTION, "LOAN" INCLUDES A TEMPORARY GRATUITOUS EXCHANGE OF A REGULATED FIREARM BETWEEN TWO INDIVIDUALS.~~

~~(c) A dealer or other person may not sell, rent, [or] transfer, OR LOAN a regulated firearm to a purchaser, lessee, [or] transferee, OR RECIPIENT who the dealer or other person knows or has reasonable cause to believe:~~

~~(1) is under the age of 21 years, UNLESS THE REGULATED FIREARM IS LOANED TO A RECIPIENT WHO MAY POSSESS THE REGULATED FIREARM UNDER § 5-133(D) OF THIS SUBTITLE;~~

~~(2) has been convicted of a disqualifying crime;~~

~~(3) has been convicted of a conspiracy to commit a felony;~~

~~(4) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;~~

~~(5) is a fugitive from justice;~~

~~(6) is a habitual drunkard;~~

~~(7) is addicted to a controlled dangerous substance or is a habitual user;~~

~~(8) suffers from a mental disorder as defined in § 10-101(i)(2) of the Health General Article, and has a history of violent behavior against the purchaser, lessee, [or] transferee, OR RECIPIENT or another, unless the purchaser, lessee, [or] transferee, OR RECIPIENT possesses a physician's certificate that the PURCHASER, LESSEE, TRANSFEREE, OR recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, [or] transferee, OR RECIPIENT or to another;~~

~~(9) has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health General Article, unless the purchaser, lessee, [or] transferee, OR RECIPIENT possesses a physician's certificate that the PURCHASER, LESSEE, TRANSFEREE, OR recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, or transferee or to another;~~

*(b) A dealer or other person may not sell, rent, LOAN, or transfer a regulated firearm to a purchaser, lessee, BORROWER, or transferee who the dealer or other person knows or has reasonable cause to believe:*

*(1) is under the age of 21 years, UNLESS THE REGULATED FIREARM IS LOANED TO A BORROWER WHO MAY POSSESS THE REGULATED FIREARM UNDER § 5-133(D) OF THIS SUBTITLE;*

*(2) has been convicted of a disqualifying crime;*

*(3) has been convicted of a conspiracy to commit a felony;*

(4) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(5) is a fugitive from justice;

(6) is a habitual drunkard;

(7) is addicted to a controlled dangerous substance or is a habitual user;

(8) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health – General Article, and has a history of violent behavior against the purchaser, lessee, **BORROWER**, or transferee or another, unless the purchaser, lessee, **BORROWER**, or transferee possesses a physician’s certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, **BORROWER**, or transferee or to another;

(9) has been confined for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, **BORROWER**, or transferee possesses a physician’s certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, **BORROWER**, or transferee or to another;

(10) is a respondent against whom a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article;

(11) if under the age of 30 years at the time of the transaction, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult;

(12) is visibly under the influence of alcohol or drugs;

(13) is a participant in a straw purchase; [or]

(14) subject to subsection (c) of this section for a transaction under this subsection that is made on or after January 1, 2002, has not completed a certified firearms safety training course conducted free of charge by the Police Training and Standards Commission or that meets standards established by the Police Training and Standards Commission under § 3–207 of this article; **OR**

**(15) INTENDS TO USE THE REGULATED FIREARM TO:**

**(I) COMMIT A CRIME; OR**

**(II) CAUSE HARM TO THE PURCHASER, LESSEE, TRANSFEREE, OR RECIPIENT OR ANOTHER PERSON.**

~~f(c)1 (D)~~ A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section if the person:

(1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section;

(2) is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

(4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; [or]

(5) has been issued a permit to carry a handgun under Subtitle 3 of this title; OR

**(6) IS THE RECIPIENT OF A LOAN BORROWER OF A FIREARM.**

~~f(d)1 (E)~~ (1) A person may not sell, rent, or transfer:

(i) ammunition solely designed for a regulated firearm to a person who is under the age of 21 years; or

(ii) 1. a firearm other than a regulated firearm to a minor;

2. ammunition for a firearm to a minor;

3. pepper mace, which is an aerosol propelled combination of highly disabling irritant based products and is also known as oleo-resin capsicum (O.C.) spray, to a minor; or

4. another deadly weapon to a minor.

~~(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.