

I. STATE AND FEDERAL FIREARM LAWS, INCLUDING LAWS RELATING TO:

1. SELF-DEFENSE
2. DEFENSE OF OTHERS
3. DEFENSE OF PROPERTY

Maryland continues to follow common law principles on the use of force in self-defense, although there is a statute (discussed below) on the subject of immunity from civil lawsuits for the use of force to defend a home or a business.

In the case of *Baltimore Transit Co. v. Faulkner*, 179 Md. 598, 20 A.2d 485 (1941), which involved a civil lawsuit for assault and battery, the Court of Appeals of Maryland set forth the general common law principles of the doctrine of self-defense:

- The law of self-defense justifies an act done in the reasonable belief of immediate danger. If an injury was done by a defendant in justifiable self-defense, he can neither be punished criminally nor held responsible for damages in a civil action. ... One who seeks to justify an assault on the ground that he acted in self-defense must show that he used no more force than the exigency reasonably demanded. The belief of a defendant in an action for assault that the plaintiff intended to do him bodily harm cannot support a plea of self-defense unless it was such a belief as a person of average prudence would entertain under similar circumstances. The jury should accordingly be instructed that to justify assault and battery in self-defense the circumstances must be such as would have induced a rea[s]onable man of average prudence to make such an assault in order to protect himself. The question whether the belief of the defendant that he was about to be injured was a reasonable one under all the circumstances is a question for the consideration of the jury.

Maryland also continues to follow common law principles on the issue of when one may use deadly force in self-defense. In the case of *State v. Faulkner*, 301 Md. 482, 485, 483 A.2d 759, 761 (1984), the Court of Appeals of Maryland summarized those principles, and stated that a homicide, other than felony murder, is justified on the ground of self-defense if the following criteria are satisfied:

1. The accused must have had reasonable grounds to believe himself in apparent imminent or immediate danger of death or serious bodily harm from his assailant or potential assailant;
2. The accused must have in fact believed himself in this danger;
3. The accused claiming the right of self-defense must not have been the aggressor or provoked the conflict;
4. The force used must have not been unreasonable and excessive, that is, the force must not have been more force than the exigency demanded.

See also *Roach v. State*, 358 Md. 418, 429-30, 749 A.2d 787, 793 (2000).

In addition, when one is in one's home, one may use deadly force against an attacker if deadly force is necessary to prevent the attacker from committing a felony that involves the use of force, violence, or surprise (such as murder, robbery, burglary, rape, or arson). See *Crawford v. State*, 231 Md. 354, 190 A.2d 538 (1963).

Duty to Retreat and the Castle Doctrine

Maryland also follows the common law rule that, outside of one's home, a person, before using deadly force in self-defense, has the duty "to retreat or avoid danger if such means were within his power and consistent with his safety." *DeVaughn v. State*, 232 Md. 447, 453, 194 A.2d 109, 112 (1963), cert. denied, 376 U.S. 527 (1964), quoting *Bruce v. State*, 218 Md. 87, 97, 145 A.2d 428, 433 (1958). See also *Burch v. State*, 346 Md. 253, 283, 696 A.2d 443, 458 (1997).

But a person does not have to retreat if it would not be safe for the person to do so. "[I]f the peril of the defendant was imminent, he did not have to retreat but had a right to stand his ground and to defend and protect himself." *Bruce v. State*, supra, 218 Md. at 97, 145 A.2d at 433.

The duty to retreat also does not apply if one is attacked in one's own home. "[A] man faced with the danger of an attack upon his dwelling need not retreat from his home to escape the danger, but instead may stand his ground and, if necessary to repel the attack, may kill the attacker." *Crawford v. State*, 231 Md. 354, 361, 190 A.2d 538, 541 (1963). The

Court of Appeals said in Crawford, a case in which the defendant fatally shot a younger man who was attempting to break into his home to beat and rob him:

- A man is not bound to retreat from his house. He may stand his ground there and kill an[y] person who attempts to commit a felony therein, or who attempts to enter by force for the purpose of committing a felony, or of inflicting great bodily harm upon an inmate. In such a case the owner or any member of the family, or even a lodger in the house, may meet the intruder at the threshold, and prevent him from entering by any means rendered necessary by the exigency, even to the taking of his life, and the homicide will be justifiable.

This principle is known as the "Castle Doctrine", the name being derived from the view that "'a man's home is his castle' and his ultimate retreat." Barton v. State, 46 Md. App. 616, 618, 420 A.2d 1009, 1010-1011 (1980). A man "is not bound to flee and become a fugitive from his own home, for, if that were required, there would, theoretically, be no refuge for him anywhere in the world."

A person does not have to be the owner of the home or the head of the household in order to be able to invoke the "Castle Doctrine." Instead, "any member of the household, whether or not he or she has a proprietary or leasehold interest in the property, is within its ambit. ...".

However, even in one's own home, the degree of force used in self-defense must not be "excessive." Crawford v. State, supra, 231 Md. at 362, 190 A.2d at 542. Quoting a treatise on criminal law, the Court of Appeals said in Crawford:

- It is a justifiable homicide to kill to prevent the commission of a felony by force or surprise.
- The crimes in prevention of which life may be taken are such and only such as are committed by forcible means, violence, and surprise, such as murder, robbery, burglary, rape, or arson.
- It is also essential that killing is necessary to prevent the commission of the felony in question. If other methods could prevent its commission, a homicide is not justified; all other means of preventing the crime must first be exhausted.

Pattern Jury Instructions on Self-Defense in Criminal Cases (not statutory law)

If the duty-to-retreat criterion is met, then the following self-defense criteria are examined, as contained within the Maryland Criminal Pattern Jury Instruction (MPJI).

Self-defense (MPJI-Cr 5:07)

Self-defense is a defense, and the defendant must be found not guilty if all of the following four factors are present:

1. The defendant was not the aggressor (or, although the defendant was the initial aggressor, he/she did not raise the fight to the deadly force level).
2. The defendant actually believed that (he/she) were in immediate and imminent danger of bodily harm.
3. The defendant's belief was reasonable.
4. The defendant used no more force than was reasonably necessary to defend (him/her self) in light of the threatened or actual harm.

"Deadly-force is that amount of force reasonably calculated to cause death or serious bodily harm. If the defendant is found to have used deadly-force, it must be decided whether the use of deadly-force was reasonable. Deadly-force is reasonable if the defendant actually had a reasonable belief that the aggressor's force was or would be deadly and that the defendant needed a deadly-force response."

"In addition, before using deadly-force, the defendant is required to make all reasonable effort to retreat. The defendant does not have to retreat if the defendant was in <their> home, retreat was unsafe, the avenue of retreat was unknown to the defendant, the defendant was being robbed, the defendant was lawfully arresting the victim. If the defendant was found to have not used deadly-force, then the defendant had no duty to retreat."

Defense of Others (MPJI-Cr 5:01)

Defense of others is a defense, and the defendant must be found not guilty if all of the following four factors are present:

1. The defendant actually believed that the person defended was in immediate and imminent danger of bodily harm.
2. The defendant's belief was reasonable.
3. The defendant used no more force than was reasonably necessary to defend the person defended in light of the threatened or actual force.
4. The defendant's purpose in using force was to aid the person defended.

Defense of Habitation - Deadly Force (MPJI-Cr 5:02)

Defense of one's home is a defense, and the defendant must be found not guilty if all of the following five factors are present:

1. (Suspect) entered (or attempted to enter) the defendant's home.
2. The defendant actually believed that (suspect) intended to commit a crime that would involve an imminent threat of death or serious bodily harm.
3. The defendant reasonably believed that (suspect) intended to commit such a crime;
4. The defendant believed that the force that (he/she) used against (suspect) was necessary to prevent imminent death or serious bodily harm.
5. The defendant reasonably believed that such force was necessary.

Defense of Property - Nondeadly Force (MPJI-Cr 5:02.1)

Defense of property is a defense, and the defendant must be found not guilty if all of the following three factors are present:

1. The defendant actually believed that (suspect) was unlawfully interfering <was just about to unlawfully interfere> with property.
2. The defendant's belief was reasonable.
3. The defendant used no more force than was reasonably necessary to defend against the victim's interference with the property.

"A person may not use deadly force to defend <his> <her> property. Deadly force is that amount of force reasonably calculated to cause death or serious bodily harm."

Courts and Judicial Proceedings Article, Section 5-808 provides for limited civil immunity for the defense of a dwelling or place of business.

Section 5-808 states:

(a) In this section, "person" does not include a governmental entity.

(b) A person is not liable for damages for a personal injury or death of an individual who enters the person's dwelling or place of business if:

- (1) The person reasonably believes that force or deadly force is necessary to repel an attack by the individual; and
- (2) The amount and nature of the force used by the person is reasonable under the circumstances.

(c) Subsection (b) of this section does not apply to a person who is convicted of a crime of violence under § 14-101 of the Criminal Law Article, assault in the second degree, or reckless endangerment arising out of the circumstances described in subsection (b) of this section.

(d) The court may award costs and reasonable attorney's fees to a defendant who prevails in a defense under this section.

(e) This section does not limit or abrogate any immunity from civil liability or defense available to a person under any other provision of the Code or at common law.

The above information was obtained from open-source Wikipedia: https://en.wikipedia.org/wiki/Right_of_self-defense_in_Maryland (September 6, 2023 at 1:15pm). The information has been verified by the Maryland Office of the Attorney General. The cases cited and references to the Maryland Criminal Pattern Jury Instructions are correct.

4. THE SAFE STORAGE OF FIREARMS

Prior to October 1, 2023, Maryland had no specific law that required unattended firearms to be stored in a certain way. Additionally, Maryland does not require firearm owners to lock their firearms.

➤ Child Access Prevention

Maryland Criminal law §4-104 provides that “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.” “Child” is defined as a person under age 16. This section does not apply if:

- The child’s access is supervised by an individual age 18 or older;
- The child’s access was obtained as a result of unlawful entry;
- The firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- The child has a certificate of firearm and hunter safety.

State administrative regulations may impose storage requirements in certain locations.

➤ Safe Storage

A licensed firearms dealer may not sell or otherwise transfer any handgun in Maryland, manufactured on or before December 31, 2002, without an “external safety lock.” An external safety lock is an external device that is attached to a handgun with a key or combination lock and is designed to prevent a handgun from being discharged unless the device has been deactivated.

In addition, a licensed dealer may not sell or otherwise transfer any handgun in Maryland that was manufactured after December 31, 2002 unless the handgun contains an “integrated mechanical safety device.” An integrated mechanical safety device is a disabling or locking device built into a handgun and “designed to prevent the handgun from being discharged unless the device has been deactivated.”

EFFECTIVE OCTOBER 1, 2023: Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Senate Bill 858

In this section the following words have the meanings indicated.

- “Ammunition” means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.
- “Firearm” means a handgun, rifle, shotgun, short–barreled rifle, or short–barreled shotgun, as those terms are defined in § 4–201 of this title, or any other firearm.
- “Firearm” does not include an antique firearm as defined in §4–201 of this title.

This section does not apply if:

1. the MINOR’S access to a firearm is supervised by an individual at least 18 years old;
2. the MINOR’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
4. the MINOR has a certificate of firearm and hunter safety issued under § 10–301.1 of the Natural Resources Article

A person may not store or leave:

a loaded firearm in a location where the person knew or should have known that an unsupervised MINOR HAS access to the firearm

A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

5. THE CIRCUMSTANCES UNDER WHICH AN INDIVIDUAL BECOMES PROHIBITED FROM POSSESSING A FIREARM UNDER STATE AND FEDERAL LAW, INCLUDING BECOMING A RESPONDENT AGAINST WHOM:
- A. A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER §4-506 OF THE FAMILY LAW ARTICLE;
 - B. 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; OR
 - C. A CURRENT EXTREME RISK PROTECTIVE ORDER HAS BEEN ENTERED UNDER SUBTITLE 6 OF THIS TITLE

STATE LAW

PUBLIC SAFETY ARTICLE

TITLE 5 – Firearms

Subtitle 1– Regulated Firearms

Section 5-133 – Restrictions on Possession of Regulated Firearms

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

(b) Subject to § 5–133.3 of this subtitle, a person may not possess a regulated firearm if the person:

- (1) has been convicted of a disqualifying crime;
- (2) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
- (3) is a fugitive from justice;
- (4) is a habitual drunkard;
- (5) is addicted to a controlled dangerous substance or is a habitual user;
- (6) 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 person or another;
- (7) has been found incompetent to stand trial under § 3–106 of the Criminal Procedure Article;
- (8) has been found not criminally responsible under § 3–110 of the Criminal Procedure Article;
- (9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;
- (10) has been involuntarily committed to a facility as defined in § 10–101 of the Health – General Article;
- (11) is 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;
- (12) except as provided in subsection (e) of this section, is a respondent against whom:
 - (i) a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or
 - (ii) 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; or
- (13) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

- (c) (1) A person may not possess a regulated firearm if the person was previously convicted of:
- (i) a crime of violence;
 - (ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, § 5–614, § 5–621, or § 5–622 of the Criminal Law Article; or
 - (iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.
- (2) (i) Subject to paragraph (3) of this subsection, a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years.
- (ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.
 - (iii) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.
- (3) At the time of the commission of the offense, if a period of more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment, mandatory supervision, probation, and parole:
- (i) the imposition of the mandatory minimum sentence is within the discretion of the court; and
 - (ii) the mandatory minimum sentence may not be imposed unless the State’s Attorney notifies the person in writing at least 30 days before trial of the State’s intention to seek the mandatory minimum sentence.
- (4) Each violation of this subsection is a separate crime.
- (5) A person convicted under this subsection is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.
- (d) (1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm.
- (2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:
- (i) the temporary transfer or possession of a regulated firearm if the person is:
 - 1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and
 - 2. acting with the permission of the parent or legal guardian of the transferee or person in possession;
 - (ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;
 - (iii) a member of the armed forces of the United States or the National Guard while performing official duties;
 - (iv) the temporary transfer or possession of a regulated firearm if the person is:
 - 1. participating in marksmanship training of a recognized organization; and
 - 2. under the supervision of a qualified instructor;
 - (v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or
 - (vi) the possession of a firearm for self–defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

(e) This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protective order requiring the surrender of the regulated firearm and:

(1) the regulated firearm is unloaded;

(2) the respondent has notified the law enforcement unit, barracks, or station that the regulated firearm is being transported in accordance with the civil protective order; and

(3) the respondent transports the regulated firearm directly to the law enforcement unit, barracks, or station.

(f) This section does not apply to the carrying or transporting of a regulated firearm by a person who is carrying a court order requiring the surrender of the regulated firearm, if:

(1) the firearm is unloaded;

(2) the person has notified a law enforcement unit, barracks, or station that the firearm is being transported in accordance with the order; and

(3) the person transports the firearm directly to a State or local law enforcement agency or a federally licensed firearms dealer.

DISQUALIFYING CRIME: Maryland Code, Public Safety § 5-101

“Disqualifying crime” means:

(1) a crime of violence;

(2) a violation classified as a felony in the State; or

(3) a violation classified as a misdemeanor in the State that carries a statutory penalty of more than 2 years.

“Convicted of a disqualifying crime” includes (unless an expungement has been granted):

(i) a case in which a person received probation before judgment for a crime of violence (except for Second Degree Assault, unless the Second-Degree Assault was a “Domestically related crime” -- “Domestically related crime” means a crime where the trial court has made a finding that the crime was a “Domestically related crime” under §6-233 of the Criminal Procedure Article.); and

(ii) a case in which a person received probation before judgment in a “Domestically related crime.”

Subtitle 1– Regulated Firearms

Section 5-205. Possession of rifle or shotgun

(a) This subtitle does not apply to a rifle or shotgun that is an antique firearm as defined in § 4-201 of the Criminal Law Article.

(b) A person may not possess a rifle or shotgun if the person:

(1) has been convicted of a disqualifying crime as defined in § 5-101 of this title;

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

(3) is a fugitive from justice;

(4) is a habitual drunkard as defined in § 5-101 of this title;

(5) is addicted to a controlled dangerous substance or is a habitual user as defined in § 5-101 of this title;

(6) 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 person or another;

(7) has been found incompetent to stand trial under § 3-106 of the Criminal Procedure Article;

(8) has been found not criminally responsible under § 3-110 of the Criminal Procedure Article;

(9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10-101 of the Health--General Article;

(10) has been involuntarily committed to a facility as defined in § 10-101 of the Health--General Article;

(11) is 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;

(12) except as provided in subsection (c) of this section, is a respondent against whom:

(i) a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article; or

(ii) 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; or

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

(c) This section does not apply to:

(1) a person transporting a rifle or shotgun if the person is carrying a civil protective order requiring the surrender of the rifle or shotgun and:

(i) the rifle or shotgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the rifle or shotgun is being transported in accordance with the civil protective order; and

(iii) the person transports the rifle or shotgun directly to the law enforcement unit, barracks, or station; or

(2) the carrying or transporting of a rifle or shotgun by a person who is carrying a court order requiring the surrender of the rifle or shotgun, if:

(i) the rifle or shotgun is unloaded;

(ii) the person has notified a law enforcement unit, barracks, or station that the rifle or shotgun is being transported in accordance with the order; and

(iii) the person transports the rifle or shotgun directly to a State or local law enforcement agency or a federally licensed firearms dealer.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(e) A person who is disqualified from owning a rifle or shotgun under subsection (b)(6), (7), (8), (9), (10), or (11) of this section may seek relief from the disqualification in accordance with § 5-133.3 of this title.

FEDERAL LAW

18 USC 922: Unlawful acts

(g) It shall be unlawful for any person-

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien-

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that-

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Article - Family Law §4-505

If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

The temporary protective order may order any or all of the following relief:

(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:

1. the use of a firearm by the respondent against a person eligible for relief;
2. a threat by the respondent to use a firearm against a person eligible for relief;
3. serious bodily harm to a person eligible for relief caused by the respondent; or
4. a threat by the respondent to cause serious bodily harm to a person eligible for relief

Article - Family Law §4–506

The final protective order shall order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order.

Article - Family Law §4–508.1

(a) (1) In this section, "order for protection" means a temporary or final order or injunction that:

(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;

(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and

(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.

(2) "Order for protection" does not include a support or child custody order.

(b) **An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:**

(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4–505 of this subtitle; and

(2) in the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4–506(d) of this subtitle.

(c) A law enforcement officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or

(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

(d) A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.

(e) It is the intent of the General Assembly that an order for protection issued by a court of this State shall be accorded full faith and credit by a court of another state to the extent required by federal law.

EXTREME RISK PROTECTIVE ORDER - Maryland Public Safety 5-601

In this subtitle the following words have the meanings indicated.

Extreme risk protective order - Extreme risk protective order means a civil interim, temporary, or final protective order issued in accordance with this subtitle.

§ 5-603. Interim extreme risk protective order

Prohibiting possession of a firearm; emergency mental health evaluation

(a)(1) When a petition is filed with a District Court commissioner under § 5-602(b)(2) of this subtitle, the commissioner may enter an interim extreme risk protective order to prohibit the respondent from possessing a firearm if the commissioner finds that there are reasonable grounds to believe that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm.

(3) The interim extreme risk protective order shall:

- (i) order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent's possession; and
- (ii) prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the interim extreme risk protective order.

§ 5-604. Temporary extreme risk protective order

Prohibiting possession of a firearm, emergency mental health evaluation

(a)(1) After a hearing on a petition, whether ex parte or otherwise, a judge may enter a temporary extreme risk protective order to prohibit the respondent from possessing a firearm if the judge finds that there are reasonable grounds to believe that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm.

(3) The temporary extreme risk protective order shall:

- (i) order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent's possession; and
- (ii) prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the temporary extreme risk protective order.

§ 5-605. Final extreme risk protective order

The judge may enter a final extreme risk protective order to prohibit the respondent from possessing a firearm if the judge finds by clear and convincing evidence that the respondent poses a danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm. The final extreme risk protective order shall:

- (i) order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent's possession; and
- (ii) prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the interim extreme risk protective order.

6. THE REQUIREMENTS AND OPTIONS FOR SURRENDERING, TRANSFERRING, OR OTHERWISE DISPOSING OF A FIREARM AFTER BECOMING PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW

CRIMINAL LAW

TITLE 4 – WEAPONS CRIMES

Subtitle 2– Handguns

Section 4-203 – Wearing, Carrying, or Transporting Handgun

(a) (1) Except as provided in subsection (b) of this section, 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;
- (iii) violate item (i) or (ii) of this paragraph while on public school property in the State;
- (iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or
- (v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(b) This section does not prohibit:

- (9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:
 - (i) the handgun is unloaded;
 - (ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and
 - (iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

PUBLIC SAFETY ARTICLE

TITLE 5 – Firearms

Subtitle 6– Extreme Risk Protective Orders

Section 5-608 – Firearm or Ammunition Surrendered or Seized

(c) (1) A respondent who does not wish to recover a firearm or ammunition seized or surrendered in accordance with an extreme risk protective order, or who is prohibited from possessing firearms or ammunition under this title, may:

- (i) sell or transfer title to the firearm or ammunition to:
 - 1. a licensed firearms dealer; or
 - 2. another person who is not prohibited from possessing the firearm or ammunition under State or federal law and who does not live in the same residence as the respondent; or
- (ii) request the destruction of the firearm or ammunition.

(2) A law enforcement agency shall transfer possession of a firearm or ammunition to a licensed firearms dealer or a person described in paragraph (1)(i)2 of this subsection only after:

(i) the licensed firearms dealer or other person provides written proof that the respondent has agreed to transfer the firearm or ammunition to the dealer or person; and

(ii) the law enforcement agency verifies the agreement with the respondent.

(3) On request of the respondent, a law enforcement agency may destroy firearms or ammunition seized or surrendered in accordance with an extreme risk protective order.

7. THE REQUIREMENTS FOR REPORTING A LOSS OR THEFT OF A FIREARM TO A LAW ENFORCEMENT AGENCY AS REQUIRED BY §5-146 OF THIS TITLE

Md. Code, Pub. Safety § 5-146

Section 5-146 - Lost or stolen regulated firearms

- A. A dealer or any other person who sells or transfers a regulated firearm shall notify the purchaser or recipient of the regulated firearm at the time of purchase or transfer that the purchaser or recipient is required to report a lost or stolen regulated firearm to the local law enforcement agency as required under subsection (b) of this section.
- B. If a regulated firearm is lost or stolen, the owner of the regulated firearm shall report the loss or theft to the local law enforcement agency within 72 hours after the owner first discovers the loss or theft.
- C. On receipt of a report of a lost or stolen regulated firearm, a local law enforcement agency shall report to the Secretary and enter into the National Crime Information Center (NCIC) database, to the extent known, the caliber, make, model, manufacturer, and serial number of the regulated firearm and any other distinguishing number or identification mark on the regulated firearm.
- D.
 - 1. A knowing and willful first-time violation of this section is a civil offense punishable by a fine not exceeding \$500.
 - 2. A person who knowingly and willfully violates this section for a second or subsequent time is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.
- E. The imposition of a civil or criminal penalty under this section does not preclude the pursuit of any other civil remedy or criminal prosecution authorized by law.

8. THE FIREARMS AND ACCESSORIES WHICH ARE BANNED UNDER STATE AND FEDERAL LAW

CRIMINAL LAW

TITLE 4 – WEAPONS CRIMES

Subtitle 3 – Assault Weapons and Detachable Magazines

Section 4-301 – Definitions

In this subtitle the following words have the meanings indicated.

- A. “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the Public Safety Article;
- B. “Assault pistol” means any of the following firearms or a copy regardless of the producer or manufacturer:
 - 1) AA Arms AP–9 semiautomatic pistol;
 - 2) Bushmaster semi-automatic pistol;
 - 3) Claridge HI–TEC semi-automatic pistol;
 - 4) D Max Industries semiautomatic pistol;
 - 5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;
 - 6) Heckler and Koch semi-automatic SP–89 pistol;
 - 7) Holmes MP–83 semiautomatic pistol;
 - 8) Ingram MAC 10/11 semiautomatic pistol and variations including the Partisan Avenger and the SWD Cobray;
 - 9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;
 - 10) P.A.W.S. type semi-automatic pistol;
 - 11) Skorpion semi-automatic pistol;
 - 12) Spectre double action semi-automatic pistol (Sile, F.I.E., Mitchell);
 - 13) UZI semiautomatic pistol;
 - 14) Weaver Arms semi-automatic Nighthawk pistol; or
 - 15) Wilkinson semiautomatic “Linda” pistol.
- C. “Assault weapon” means:
 - 1) an assault long gun;
 - 2) an assault pistol; or
 - 3) a copycat weapon.
- D. “Binary trigger system” means a device that, when installed in or attached to a firearm, fires both when the trigger is pulled and on release of the trigger.
- E. “Bump stock” means a device that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.
- F. “Burst trigger system” means a device that, when installed in or attached to a firearm, allows the firearm to discharge two or more shots with a single pull of the trigger by altering the trigger reset.
- G. “Copycat weapon” means:
 - 1) a semiautomatic centerfire rifle that can accept a detachable magazine and has any two of the following:
 - a. a folding stock;
 - b. a grenade launcher or flare launcher; or
 - c. a flash suppressor;
 - 2) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;
 - 3) a semiautomatic centerfire rifle that has an overall length of less than 29 inches;
 - 4) a semiautomatic pistol with a fixed magazine that can accept more than 10 rounds;
 - 5) a semiautomatic shotgun that has a folding stock; or
 - 6) a shotgun with a revolving cylinder.
 - “Copycat weapon” does not include an assault long gun or an assault pistol.
- H. “Detachable magazine” means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

- I. “Flash suppressor” means a device that functions, or is intended to function, to perceptibly reduce or redirect muzzle flash from the shooter’s field of vision.
- J. “Hellfire trigger” means a device that, when installed in or attached to a firearm, disengages the trigger return spring when the trigger is pulled.
- K. “Licensed firearms dealer” means a person who holds a dealer’s license under Title 5, Subtitle 1 of the Public Safety Article.
- L. “Rapid fire trigger activator” means any device, including a removable manual or power–driven activating device, constructed so that, when installed in or attached to a firearm:
 - 1) the rate at which the trigger is activated increases; or
 - 2) the rate of fire increases.
 - “Rapid fire trigger activator” includes a bump stock, trigger crank, hellfire trigger, binary trigger system, burst trigger system, or a copy or a similar device, regardless of the producer or manufacturer.
 - “Rapid fire trigger activator” does not include a semiautomatic replacement trigger that improves the performance and functionality over the stock trigger.
- M. “Trigger crank” means a device that, when installed in or attached to a firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever, or any other part that is turned in a circular motion.

Section 4-302 – Scope of Subtitle

This subtitle does not apply to:

- 1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer authorized under Title 3 of the Public Safety Article or 49 U.S.C. § 28101;
- 2) a firearm modified to render it permanently inoperative;
- 3) possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage, purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who is:
 - i. providing or servicing an assault weapon or detachable magazine for a law enforcement unit or for personnel exempted under item (1) of this section;
 - ii. acting to sell or transfer an assault weapon or detachable magazine to a licensed firearm dealer in another state or to an individual purchaser in another state through a licensed firearms dealer; or
 - iii. acting to return to a customer in another state an assault weapon transferred to the licensed firearms dealer or manufacturer under the terms of a warranty or for repair;
- 4) organizations that are required or authorized by federal law governing their specific business or activity to maintain assault weapons and applicable ammunition and detachable magazines;
- 5) the receipt of an assault weapon or detachable magazine by inheritance, and possession of the inherited assault weapon or detachable magazine, if the decedent lawfully possessed the assault weapon or detachable magazine and the person inheriting the assault weapon or detachable magazine is not otherwise disqualified from possessing a regulated firearm;
- 6) the receipt of an assault weapon or detachable magazine by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate;
- 7) possession by a person who is retired in good standing from service with a law enforcement agency of the State or a local unit in the State and is not otherwise prohibited from receiving an assault weapon or detachable magazine if:
 - i. the assault weapon or detachable magazine is sold or transferred to the person by the law enforcement agency on retirement; or
 - ii. the assault weapon or detachable magazine was purchased or obtained by the person for official use with the law enforcement agency before retirement;
- 8) possession or transport by an employee of an armored car company if the individual is acting within the scope of employment and has a permit issued under Title 5, Subtitle 3 of the Public Safety Article; or

- 9) possession, receipt, and testing by, or shipping to or from:
- i. an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or
 - ii. a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.

§ 4-303. Assault Weapons Prohibited

- (a) Except as provided in subsection (b) of this section, a person may not:
- 1) transport an assault weapon into the State; or
 - 2) possess, sell, offer to sell, transfer, purchase, or receive an assault weapon.
- (b) (1) A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of State Police before August 1, 1994, may:
- i. continue to possess and transport the assault pistol; or
 - ii. while carrying a court order requiring the surrender of the assault pistol, transport the assault pistol directly to a law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the person has notified a law enforcement unit, barracks, or station that the person is transporting the assault pistol in accordance with a court order and the assault pistol is unloaded.
- (2) A licensed firearms dealer may continue to possess, sell, offer for sale, or transfer an assault long gun or a copycat weapon that the licensed firearms dealer lawfully possessed on or before October 1, 2013.
- (3) A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013, may:
- i. possess and transport the assault long gun or copycat weapon; or
 - ii. while carrying a court order requiring the surrender of the assault long gun or copycat weapon, transport the assault long gun or copycat weapon directly to a law enforcement unit, barracks, or station, a State or local law enforcement agency, or a federally licensed firearms dealer, as applicable, if the person has notified a law enforcement unit, barracks, or station that the person is transporting the assault long gun or copycat weapon in accordance with a court order and the assault long gun or copycat weapon is unloaded.
- (4) A person may transport an assault weapon to or from:
- i. an ISO 17025 accredited, National Institute of Justice–approved ballistics testing laboratory; or
 - ii. a facility or entity that manufactures or provides research and development testing, analysis, or engineering for personal protective equipment or vehicle protection systems.
- (5) A federally licensed firearms dealer may receive and possess an assault weapon received from a person in accordance with a court order to transfer firearms under § 6–234 of the Criminal Procedure Article.

Section 4-305 – Detachable Magazines – Prohibited

- (a) This section does not apply to:
- 1) a .22 caliber rifle with a tubular magazine; or
 - 2) a law enforcement officer or a person who retired in good standing from service with a law enforcement agency of the United States, the State, or any law enforcement agency in the State.
- (b) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm.

PUBLIC SAFETY

TITLE 5 – FIREARMS

Subtitle 1 – REGULATED FIREARMS

Section 5-101 – Definitions

A. “Regulated firearm” means:

- 1) a handgun; or
- 2) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:
 - (i) American Arms Spectre da Semiautomatic carbine;
 - (ii) AK-47 in all forms;
 - (iii) Algimec AGM-1 type semi-auto;
 - (iv) AR 100 type semi-auto;
 - (v) AR 180 type semi-auto;
 - (vi) Argentine L.S.R. semi-auto;
 - (vii) Australian Automatic Arms SAR type semi-auto;
 - (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
 - (ix) Barrett light .50 cal. semi-auto;
 - (x) Beretta AR70 type semi-auto;
 - (xi) Bushmaster semi-auto rifle;
 - (xii) Calico models M-100 and M-900;
 - (xiii) CIS SR 88 type semi-auto;
 - (xiv) Claridge HI TEC C-9 carbines;
 - (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;
 - (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
 - (xvii) Dragunov Chinese made semi-auto;
 - (xviii) Famas semi-auto (.223 caliber);
 - (xix) Feather AT-9 semi-auto;
 - (xx) FN LAR and FN FAL assault rifle;
 - (xxi) FNC semi-auto type carbine;
 - (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
 - (xxiii) Steyr-AUG-SA semi-auto;
 - (xxiv) Galil models AR and ARM semi-auto;
 - (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
 - (xxvi) Holmes model 88 shotgun;

- (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- (xxix) Mandell TAC-1 semi-auto carbine;
- (xxx) Mossberg model 500 Bullpup assault shotgun;
- (xxxi) Sterling Mark 6;
- (xxxii) P.A.W.S. carbine;
- (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- (xxxv) SKS with detachable magazine;
- (xxxvi) AP-74 Commando type semi-auto;
- (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
- (xxxviii) Street sweeper assault type shotgun;
- (xxxix) Striker 12 assault shotgun in all formats;
- (xl) Unique F11 semi-auto type;
- (xli) Daewoo USAS 12 semi-auto shotgun;
- (xlii) UZI 9mm carbine or rifle;
- (xliii) Valmet M-76 and M-78 semi-auto;
- (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- (xlv) Wilkinson Arms 9mm semi-auto "Terry".

9. THE TYPES OF FIREARMS THAT REQUIRE A SPECIAL PERMIT OR REGISTRATION TO ACQUIRE OR POSSESS UNDER STATE OR FEDERAL LAW

Machine Guns

Short Barrel Rifle

Short Barrel Shotgun

CRIMINAL LAW

TITLE 4 – WEAPONS CRIMES

Subtitle 2 – Handguns

Section 4-201 – Definitions

(a) (1) “Handgun” means a pistol, revolver, or other firearm capable of being concealed on the person.

(2) “Handgun” includes a short-barreled shotgun and a short-barreled rifle.

(3) “Handgun” does not include a shotgun, rifle, or antique firearm.

(b) “Rifle” means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(c) “Short-barreled rifle” means:

(1) a rifle that has one or more barrels less than 16 inches long; or

(2) a weapon that has an overall length of less than 26 inches and that was made from a rifle, whether by alteration, modification, or otherwise.

(d) “Short-barreled shotgun” means:

(1) a shotgun that has one or more barrels less than 18 inches long; or

(2) a weapon that has an overall length of less than 26 inches long and was made from a shotgun, whether by alteration, modification, or otherwise.

(e) “Shotgun” means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.

CRIMINAL LAW

TITLE 4 – WEAPONS CRIMES

Subtitle 4 – Uniform Machine Gun Act

Section 4-401 – Definitions

(c) “Machine gun” means a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.

Section 4-403 – Registration of Machine Guns

(a) (1) A manufacturer of a machine gun shall keep a register of each machine gun manufactured or handled by the manufacturer.

(2) The register shall contain:

(i) the method of manufacture and serial number of the machine gun;

(ii) the date of manufacture, sale, loan, gift, delivery, and receipt of the machine gun from the manufacturer; and

(iii) the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom the machine gun was received, and the purpose for which the machine gun was acquired.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(b) (1) On demand, a manufacturer of a machine gun shall allow a marshal, sheriff, or police officer to inspect the manufacturer’s entire stock of machine guns, parts, and supplies and the register required under subsection (a) of this section.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(c)(1) A person who acquires a machine gun shall register the machine gun with the Secretary of State Police:

(i) within 24 hours after acquiring the machine gun; and

(ii) in each succeeding year during the month of May.

(2) The Secretary of State Police shall prepare and, on request of an applicant, furnish an application form for registration under this subsection.

(3) An application for registration shall contain:

(i) the make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;

(ii) the name, address, race, gender, date of birth, Maryland driver's license number, and occupation of the person in possession of the machine gun; and

(iii) the name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.

(4) Each application for registration filed with the Secretary of State Police shall be accompanied by a nonrefundable registration fee of \$10.

(5) Registration data provided under this section is not open to public inspection.

PUBLIC SAFETY

TITLE 5 – Firearms

Subtitle 2 – Rifles and Shotguns

Section 5-203 – Possession of Short-Barreled Rifle or Short-Barreled Shotgun

(a) A person may not possess a short-barreled rifle or short-barreled shotgun unless:

(1) the person, while on official business is:

(i) a member of the law enforcement personnel of the federal government, the State, or a political subdivision of the State;

(ii) a member of the armed forces of the United States or the National Guard while on duty or traveling to or from duty;

(iii) a member of the law enforcement personnel of another state or a political subdivision of another state, while temporarily in this State;

(iv) a warden or correctional officer of a correctional facility in the State; or

(v) a sheriff or a temporary or full-time deputy sheriff; or

(2) the short-barreled shotgun or short-barreled rifle has been registered with the federal government in accordance with federal law.

(b) In a prosecution under this section, the defendant has the burden of proving the lawful registration of the short-barreled shotgun or short-barreled rifle.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

FEDERAL LAW

Which firearms are regulated under the National Firearms Act?

The following weapons are regulated under the National Firearms Act (NFA):

1. A shotgun having a barrel or barrels of less than 18 inches in length;
2. A weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;
3. A rifle having a barrel or barrels of less than 16 inches in length;
4. A weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;
5. Any other weapon, as defined in subsection (e);
6. A machine gun;
7. Any silencer (as defined in section 921 of title 18, United States Code); and
8. A destructive device.

[26 U.S.C. 5845; 27 CFR 479.11]

Persons seeking to purchase a NFA weapon have to apply for and obtain a federal tax stamp from the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) in order to possess the weapon.

<https://www.atf.gov/firearms/national-firearms-act-division>

10. THE LAW PROHIBITING STRAW PURCHASES

PUBLIC SAFETY

TITLE 5 - FIREARMS

Subtitle 1 - Regulated Firearms

Section 5-136 - Straw purchases.

Scope of section -

1. This section does not apply to a person who purchases a regulated firearm as a gift if:
 - a. the regulated firearm is a gift to a resident of the State; and
 - b. both the purchaser and recipient of the gift comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm; or
 - c. if the gift is in the form of a gift certificate, only the recipient of the gift need comply with the requirements of this subtitle that relate to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm.
2. If the regulated firearm is a gift to the purchaser's spouse, parent, grandparent, grandchild, sibling, or child, the recipient shall:
 - a. complete an application to purchase or transfer a regulated firearm; and
 - b. forward the application to the Secretary within 5 days after receipt of the regulated firearm.
3. The Secretary shall waive the \$10 application fee required under § 5-118(a) (2) of this subtitle for a gift purchased in accordance with this subsection.

Prohibited - A person may not knowingly or willfully participate in a straw purchase of a regulated firearm.

Section 5-141 - Knowing participation in straw purchase

- (a) A dealer or other person may not be a knowing participant in a straw purchase of a regulated firearm for a minor or for a person prohibited by law from possessing a regulated firearm.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.
- (c) Each violation of this section is a separate crime.

Md. Code Regs. 29.03.01.08 – Straw Purchases

- A. A person may not knowingly or willfully participate in a straw purchase of a regulated firearm.
- B. A person may not complete an application to purchase or transfer a regulated firearm with the intent to sell, rent, loan, or transfer that regulated firearm to another individual.
- C. A person may not use another person to purchase or receive a regulated firearm.
- D. A person may not transport a regulated firearm into the State with the intent to illegally sell, rent, or transfer the regulated firearm.
- E. A dealer or person may not sell, rent, or transfer a regulated firearm to a person whom the dealer or person knows or has reasonable cause to believe is a participant in a straw purchase.
- F. This regulation does not apply to a person purchasing a regulated firearm as a gift pursuant to Regulation .09 of this chapter.

11. THE LAW CONCERNING ARMED TRESPASS UNDER §6-411 OF THE CRIMINAL LAW ARTICLE

- A. IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
1. "DWELLING" MEANS A BUILDING OR PART OF A BUILDING THAT PROVIDES LIVING OR SLEEPING FACILITIES FOR ONE OR MORE INDIVIDUALS.
 - a. "DWELLING" DOES NOT INCLUDE:
 - COMMON ELEMENTS OF A CONDOMINIUM, AS DEFINED IN § 11–101 OF THE REAL PROPERTY ARTICLE;
 - PROPERTY OF A COOPERATIVE HOUSING CORPORATION OTHER THAN A UNIT AS DEFINED IN § 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; OR
 - COMMON AREAS OF A MULTIFAMILY DWELLING AS DEFINED IN § 12–203 OF THE PUBLIC SAFETY ARTICLE.
 2. "FIREARM" HAS THE MEANING STATED IN § 4–104 OF THIS ARTICLE.
 3. "LAW ENFORCEMENT OFFICIAL" HAS THE MEANING STATED IN § 4–201 OF THIS ARTICLE.
 4. "POLICE OFFICER" HAS THE MEANING STATED IN § 3–201 OF THE PUBLIC SAFETY ARTICLE.
 5. "PROPERTY" MEANS A BUILDING.
 - a. "PROPERTY" DOES NOT INCLUDE THE LAND ADJACENT TO A BUILDING.
- B. THIS SECTION DOES NOT APPLY TO:
1. A LAW ENFORCEMENT OFFICIAL OR POLICE OFFICER;
 2. AN ON–DUTY EMPLOYEE OF A LAW ENFORCEMENT AGENCY AUTHORIZED BY THE AGENCY TO POSSESS FIREARMS ON DUTY OR WHOSE DUTY ASSIGNMENT INVOLVES THE POSSESSION OF FIREARMS;
 3. A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, OR OF THE NATIONAL GUARD, OR THE UNIFORMED SERVICES ON DUTY OR TRAVELING TO OR FROM DUTY;
 4. A CORRECTIONAL OFFICER OR WARDEN OF A CORRECTIONAL FACILITY IN THE STATE;
 5. THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT–OF–WAY, A SERVITUDE, OR ANY OTHER PROPERTY INTEREST THAT ALLOWS PUBLIC ACCESS ON OR THROUGH THE REAL PROPERTY; OR
 6. THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT–OF–WAY, A SERVITUDE, OR ANY OTHER PROPERTY INTEREST ALLOWING ACCESS ON OR THROUGH THE REAL PROPERTY BY:
 - a. THE HOLDER OF THE EASEMENT, RIGHT–OF–WAY, SERVITUDE, OR OTHER PROPERTY INTEREST; OR
 - b. A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT, RIGHT–OF–WAY, SERVITUDE, OR OTHER PROPERTY INTEREST.
- C. A PERSON WEARING, CARRYING, OR TRANSPORTING A FIREARM MAY NOT ENTER OR TRESPASS IN THE DWELLING OF ANOTHER UNLESS THE OWNER OR THE OWNER'S AGENT HAS GIVEN EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE PUBLIC GENERALLY, TO WEAR, CARRY, OR TRANSPORT A FIREARM INSIDE THE DWELLING.
- D. A PERSON WEARING, CARRYING, OR TRANSPORTING A FIREARM MAY NOT:
1. ENTER OR TRESPASS ON PROPERTY UNLESS THE OWNER OR THE OWNER'S AGENT HAS POSTED A CLEAR AND CONSPICUOUS SIGN INDICATING THAT IT IS PERMISSIBLE TO WEAR, CARRY, OR TRANSPORT A FIREARM ON THE PROPERTY; OR
 2. ENTER OR TRESPASS ON PROPERTY UNLESS THE OWNER OR THE OWNER'S AGENT HAS GIVEN THE PERSON EXPRESS PERMISSION TO WEAR, CARRY, OR TRANSPORT A FIREARM ON THE PROPERTY.
- E. A PERSON WHO WILLFULLY VIOLATES THIS SECTION 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;

12. THE LOCATIONS WHERE A PERSON IS PROHIBITED FROM POSSESSING A FIREARM REGARDLESS OF WHETHER THE PERSON POSSESSES A PERMIT ISSUED UNDER THIS SUBTITLE

Where are Firearms Prohibited?

Restriction on the wear, carry and transport of handguns and firearms in certain places appear throughout Maryland law and regulations. Below are statutes and regulations detailing the handgun and firearm restrictions. This list should not be considered all-inclusive.

1. On public school property (CR 4-102)
2. Within 1,000 feet of a demonstration in a public place after a law enforcement officer advises that a demonstration is occurring at the public place and orders the person to leave the demonstration area until the person disposes of the firearm (CR 4-208)
3. In legislative buildings (SG 2-1702)
4. Aboard aircraft (TR 5-1008)
5. In lodging establishments where the innkeeper reasonably believes individuals possess property that may be dangerous to other individuals, such as firearms or explosives (BR 15-203)
6. On dredge boats, other than two 10-gauge shotguns (NR 4-1013)
7. In or around State-owned public buildings and grounds (COMAR 04.05.01.03)
8. On Chesapeake Forest Lands (COMAR 08.01.07.14)
9. In State Forests (COMAR 08.07.01.04)
10. In State Parks (COMAR 08.07.06.04)
11. In State Highway Rest Areas, firearms may not be displayed or discharged (COMAR 11.04.07.12)
12. In community adult rehabilitation centers (COMAR 12.02.03.10)
13. In child care centers, except for small centers located in residences, firearms may not be kept on the premises (COMAR 13A.16.10.04)

EFFECTIVE 10/1/2023

1. A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM IN AN AREA FOR CHILDREN OR VULNERABLE INDIVIDUALS.
2. A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM IN A GOVERNMENT OR PUBLIC INFRASTRUCTURE AREA.
 - A GOVERNMENT OR PUBLIC INFRASTRUCTURE AREA, OWNED OR LEASED BY A UNIT OF STATE OR LOCAL GOVERNMENT, MUST DISPLAY A CLEAR AND CONSPICUOUS SIGN AT THE MAIN ENTRANCE OF THE BUILDING OR THE PART OF A BUILDING THAT IS OWNED OR LEASED BY THE UNIT OF STATE OR LOCAL GOVERNMENT INDICATING THAT IT IS NOT PERMISSIBLE TO WEAR, CARRY, OR TRANSPORT A FIREARM IN THE BUILDING OR THAT PART OF THE BUILDING.
 - "GOVERNMENT OR PUBLIC INFRASTRUCTURE AREA" MEANS:
 - A BUILDING OR ANY PART OF A BUILDING OWNED OR LEASED BY A UNIT OF STATE OR LOCAL GOVERNMENT;
 - A BUILDING OF A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE;
 - A LOCATION THAT IS CURRENTLY BEING USED AS A POLLING PLACE IN ACCORDANCE WITH TITLE 10 OF THE ELECTION LAW ARTICLE OR FOR CANVASSING BALLOTS IN ACCORDANCE WITH TITLE 11 OF THE ELECTION LAW ARTICLE;
 - AN ELECTRIC PLANT OR ELECTRIC STORAGE FACILITY, AS DEFINED IN § 1–101 OF THE PUBLIC UTILITIES ARTICLE;
 - A GAS PLANT, AS DEFINED IN § 1–101 OF THE PUBLIC UTILITIES ARTICLE; OR
 - A NUCLEAR POWER PLANT FACILITY
3. A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM IN A SPECIAL PURPOSE AREA.
 - "SPECIAL PURPOSE AREA" MEANS:
 - A LOCATION LICENSED TO SELL OR DISPENSE ALCOHOL OR CANNABIS FOR ON–SITE CONSUMPTION;

- A STADIUM;
 - A MUSEUM;
 - A RACETRACK; OR
 - A VIDEO LOTTERY FACILITY, AS DEFINED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.
4. NOTHING IN THIS SECTION LIMITS THE POWER OF AN ADMINISTRATIVE HEAD OF A MARYLAND COURT TO PUNISH FOR CONTEMPT OR TO ADOPT RULES OR ORDERS REGULATING, ALLOWING, RESTRICTING, OR PROHIBITING THE POSSESSION OF WEAPONS IN ANY BUILDING HOUSING THE COURT OR ANY OF ITS PROCEEDINGS, OR ON ANY GROUNDS APPURTENANT TO THE BUILDING.
 5. For a location that is not owned by, leased by, or otherwise under the control of the state or a political subdivision of the state, the above prohibitions do not apply to:
 - the owner or lessee of the location; or
 - a person who is authorized by the owner or lessee of the location to wear, carry, or transport a firearm at the location for the purpose of:
 1. employment as a security guard licensed under title 19 of the Business Occupations Article; or
 2. protecting any individual or property at the location without with an express agreement between the parties, remuneration, or compensation.
 6. The above prohibitions do not apply to a firearm that is carried or transported in a motor vehicle if the firearm is:
 - (i) locked in a container; or
 - (ii) a handgun worn, carried, or transported in compliance with any limitations imposed under § 5–307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article.

Per Senate Bill 1, A PERMIT ISSUED UNDER THIS SUBTITLE SHALL RESTRICT THE WEARING, CARRYING, AND TRANSPORTING OF A HANDGUN BY THE PERSON TO WHOM THE PERMIT IS ISSUED TO WEARING, CARRYING, OR TRANSPORTING A HANDGUN CONCEALED FROM VIEW: UNDER OR WITHIN AN ARTICLE OF THE PERSON’S CLOTHING, OR WITHIN AN ENCLOSED CASE.

- The requirement to keep a handgun concealed is not violated by: the momentary and inadvertent exposure of a handgun; or the momentary and inadvertent exposure of the imprint or outline of a handgun.

Transportation of Handguns and Firearms

STATE LAW

PS 5–307 (effective 10/1/23) states that (b)(1) Subject to subsection (c) of this section, a permit issued under this subtitle shall restrict the wearing, carrying, and transporting of a handgun by the person to whom the permit is issued to wearing, carrying, or transporting a handgun concealed from view:

- (i) under or within an article of the person’s clothing; or
- (ii) within an enclosed case.

CR 4-203(b) continues to allow the carrying and transportation of a handgun:

- (3) to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person;
- (4) in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity; and
- (5) the moving by a bona fide gun collector of part or all of the collector’s gun collection from place to place for public or private exhibition,

provided that as to all three of these exceptions each handgun is unloaded and carried in an enclosed case or holster;

CR 4-111 (effective 10/1/23) generally prohibits the wearing, carrying or transportation of a firearm in

- (c) an area for children or vulnerable individuals;
- (d) a government or public infrastructure area; or
- (e) a special purpose area.

CR 4-111(b)(11) states that the section does not apply to: a firearm that is carried or transported in a motor vehicle if the firearm is:

- (i) locked in a container; or
- (ii) a handgun worn, carried, or transported in compliance with any limitations imposed under § 5–307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article.

FEDERAL LAW

18 U.S. Code § 926A - Interstate transportation of firearms

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver’s compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.