

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 122  
Judiciary

(Delegate K. Kelly)

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Public Safety - Assault Weapons and Detachable Magazines - Possession or  
Transport by Nonresident

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This bill authorizes the possession or transport by a nonresident of the State of an assault weapon or a detachable magazine that has been legally purchased outside the State for the purpose of using the weapon or magazine to participate in specified activities, having the weapon or magazine repaired at a bona fide repair shop, or traveling through the State for a lawful purpose.

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Fiscal Summary

**State Effect:** None. Any changes to enforcement procedures can be handled with existing resources. Federal law already authorizes the interstate transport of firearms under certain conditions.

**Local Effect:** None. Any changes to enforcement procedures can be handled with existing resources. Federal law already authorizes the interstate transport of firearms under certain conditions.

**Small Business Effect:** None.

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Analysis

**Current Law:** With specified exceptions, a person may not (1) wear, carry, or transport a handgun, whether concealed or open, on or about the person or (2) 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. For the vehicular prohibition, there is a rebuttable presumption that a person who transports the handgun does so knowingly. A violator is guilty of a misdemeanor and, depending on the circumstances of the violation, subject to some mandatory minimum

sentence ranging from 30 days to 5 years, and maximum imprisonment penalties of 10 years. For a first offense, the maximum imprisonment penalty is three years. Certain circumstances also subject the person to monetary fines of amounts between \$250 and \$2,500.

The Secretary of State Police may issue a permit to wear, carry, or transport a handgun to a person who meets certain requirements and who has a “good and substantial” reason. “Good and substantial reason” includes a finding that the permit is necessary as a reasonable precaution against apprehended danger.

With certain exceptions, Chapter 427 of 2013 (the Firearm Safety Act of 2013) prohibits transporting, possessing, selling, offering for sale, transferring, purchasing, or receiving any assault weapon. Chapter 427 reduced the allowable detachable magazine capacity that may be manufactured, sold, purchased, received, or transferred in the State from 20 to 10 rounds of ammunition for a firearm. There are nine specified persons and circumstances which are exempt from the prohibitions related to the possession or transport of assault weapons or detachable magazines.

Federal law provides that, notwithstanding any state or local provision, any person who is not otherwise prohibited under federal law from transporting, shipping, or receiving a firearm is entitled to transport a firearm for any lawful purpose from any place where the person may lawfully possess and carry the firearm to any other place where the person may lawfully possess and carry the firearm if, during 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 the transporting vehicle. In the case of a vehicle without a compartment separate from the driver’s compartment, the firearm or ammunition must be contained in a locked container other than the glove compartment or console.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2014  
mam/lgc

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