

# HOUSE BILL 704

E4

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By: **Delegate Queen**

Introduced and read first time: February 6, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Tracking Technology**

3 FOR the purpose of prohibiting a person from engaging in a certain bulk firearm transfer  
4 unless each firearm that is part of the transfer contains a certain tracker; requiring  
5 a seller or other transferor who engages in a bulk firearm transfer to transmit to the  
6 Secretary of State Police certain information; providing that a violation of this Act is  
7 a civil offense; requiring the Secretary to establish a certain database; and generally  
8 relating to tracking technology for firearms.

9 BY adding to

10 Article – Public Safety

11 Section 5–901 through 5–903 to be under the new subtitle “Subtitle 9. Firearm  
12 Tracking Technology”

13 Annotated Code of Maryland  
14 (2022 Replacement Volume)

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

17 **Article – Public Safety**

18 **SUBTITLE 9. FIREARM TRACKING TECHNOLOGY.**

19 **5–901.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (B) “**BULK FIREARM TRANSFER**” MEANS THE SALE OR OTHER TRANSFER OF  
23 **10 OR MORE FIREARMS TOGETHER FROM ONE PARTY TO ANOTHER PARTY.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (C) “EMBEDDED TRACKER” MEANS AN OBJECT THAT:

2 (1) IS EMBEDDED IN THE FRAME OR RECEIVER OF A FIREARM;

3 (2) EMITS UNIQUE TRACKING INFORMATION; AND

4 (3) IS NOT READILY CAPABLE OF BEING REMOVED, DISABLED, OR  
5 DESTROYED WITHOUT RENDERING PERMANENTLY INOPERABLE OR DESTROYING  
6 THE FRAME OR RECEIVER.

7 (D) “FIREARM” HAS THE MEANING STATED IN § 5–101 OF THIS TITLE.

8 (E) “SECRETARY” MEANS THE SECRETARY OF STATE POLICE.

9 (F) “UNIQUE TRACKING INFORMATION” MEANS A UNIQUE RADIO  
10 FREQUENCY IDENTIFICATION CODE THAT CAN BE ASCERTAINED AND RECORDED  
11 USING EQUIPMENT APPROVED BY THE SECRETARY UNDER § 5–903 OF THIS  
12 SUBTITLE.

13 **5–902.**

14 (A) A PERSON MAY NOT ENGAGE IN A BULK FIREARM TRANSFER UNLESS  
15 EACH FIREARM THAT IS PART OF THE TRANSFER CONTAINS AN EMBEDDED  
16 TRACKER.

17 (B) A SELLER OR OTHER TRANSFEROR WHO ENGAGES IN A BULK FIREARM  
18 TRANSFER SHALL TRANSMIT INFORMATION REQUIRED TO BE ENTERED IN THE  
19 DATABASE ESTABLISHED UNDER § 5–903 OF THIS SUBTITLE IN A MANNER REQUIRED  
20 BY THE SECRETARY.

21 (C) THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO SELLS OR  
22 OTHERWISE TRANSFERS 10 OR MORE FIREARMS TO ANOTHER WITHIN A 30–DAY  
23 PERIOD HAS ENGAGED IN A BULK FIREARM TRANSFER.

24 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL OFFENSE  
25 AND SUBJECT TO A FINE NOT EXCEEDING \$2,500.

26 **5–903.**

27 (A) THE SECRETARY SHALL ESTABLISH A DATABASE TO STORE  
28 INFORMATION ABOUT EACH BULK FIREARM TRANSFER IN THE STATE.

1           **(B) FOR EACH BULK FIREARM TRANSFER, THE DATABASE SHALL INCLUDE:**

2                   **(1) THE DATE, TIME, AND LOCATION OF THE BULK FIREARM**  
3 **TRANSFER;**

4                   **(2) THE NAME AND ADDRESS OF EACH PERSON WHO IS A PARTY TO**  
5 **THE BULK FIREARM TRANSFER;**

6                   **(3) FOR EACH FIREARM THAT IS PART OF THE BULK FIREARM**  
7 **TRANSFER:**

8                           **(I) THE UNIQUE TRACKING INFORMATION ASSOCIATED WITH**  
9 **THE FIREARM'S EMBEDDED TRACKER;**

10                           **(II) THE NAME OF THE MANUFACTURER OF THE FIREARM; AND**

11                           **(III) THE SERIAL NUMBER IMPRINTED ON THE FRAME OR**  
12 **RECEIVER BY THE MANUFACTURER OR IMPORTER OF THE FIREARM; AND**

13                   **(4) ANY OTHER INFORMATION REQUIRED BY THE SECRETARY.**

14           **(C) THE SECRETARY SHALL APPROVE EQUIPMENT FOR SCANNING AND**  
15 **RECORDING UNIQUE TRACKING INFORMATION.**

16           **(D) (1) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT**  
17 **THIS SUBTITLE.**

18                   **(2) THE REGULATIONS ADOPTED BY THE SECRETARY SHALL:**

19                           **(I) SPECIFY THE MINIMUM REQUIREMENTS FOR AND**  
20 **CAPABILITIES OF EQUIPMENT THAT MAY BE USED FOR SCANNING AND RECORDING**  
21 **UNIQUE TRACKING INFORMATION; AND**

22                           **(II) ESTABLISH PROCEDURES AND REQUIREMENTS FOR**  
23 **SELLERS AND OTHER TRANSFERORS WHO ENGAGE IN BULK FIREARM TRANSFERS TO**  
24 **TRANSMIT INFORMATION REQUIRED TO BE INCLUDED IN THE DATABASE**  
25 **ESTABLISHED UNDER THIS SECTION.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2023.