

HOUSE BILL 740

E1

9lr0311
CF SB 882

By: Delegates Dumais, Atterbeary, Acevero, Anderson, Bagnall, B. Barnes, D. Barnes, Barron, Barve, Boyce, Branch, Brooks, Busch, Cain, Cardin, Carr, Chang, Charkoudian, Crutchfield, D.M. Davis, D.E. Davis, Ebersole, Feldmark, Fennell, W. Fisher, Fraser-Hidalgo, Gaines, Gilchrist, Glenn, Guyton, Harrison, Haynes, Healey, Hettleman, Hill, Holmes, Jackson, Johnson, Jones, Kaiser, Kelly, Korman, Krimm, Lafferty, J. Lewis, R. Lewis, Lierman, Lisanti, Lopez, Love, Luedtke, McIntosh, Moon, Mosby, Palakovich Carr, Patterson, Pena-Melnyk, Pendergrass, Qi, Queen, Reznik, Rogers, Rosenberg, Shetty, Solomon, Stein, Stewart, Sydnor, Terrasa, Turner, Valderrama, Valentino-Smith, Walker, R. Watson, Wilkins, K. Young, and P. Young

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Firearms – Computer-Aided Fabrication and Serial Number**
3 **(3-D Printed Firearms ~~and Ghost Guns~~)**

4 FOR the purpose of ~~prohibiting a person from transporting into the State a certain firearm~~
5 ~~that is not imprinted with a certain serial number or manufacturing, possessing,~~
6 ~~selling, offering to sell, transferring, purchasing, or receiving a certain firearm that~~
7 ~~is not imprinted with a certain serial number; prohibiting a person from using a~~
8 ~~certain computer-aided fabrication device to manufacture a certain firearm;~~
9 prohibiting a person from possessing, selling, offering to sell, transferring,
10 purchasing, or receiving a certain firearm manufactured using a certain
11 computer-aided fabrication device; establishing certain exceptions to certain
12 prohibitions established under this Act; establishing certain penalties; defining
13 certain terms; requiring the Department of State Police to develop a certain plan and
14 submit a certain report on or before a certain date; and generally relating to firearms.

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 ~~4-111~~ and 4-601 through ~~4-604~~ 4-603 to be under the new subtitle “Subtitle
 4 6. Computer–Aided Firearm Fabrication”
 5 Annotated Code of Maryland
 6 (2012 Replacement Volume and 2018 Supplement)

7 BY repealing and reenacting, without amendments,
 8 Article – Criminal Law
 9 Section ~~4-201(b), 4-204(a), and 7-302(a)(1), (4), (5), (6), (8), and (10), and (11)~~
 10 Annotated Code of Maryland
 11 (2012 Replacement Volume and 2018 Supplement)

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 ~~4-111.~~

16 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 17 ~~INDICATED.~~

18 ~~(2) “ANTIQUE FIREARM” HAS THE MEANING STATED IN § 4-201 OF~~
 19 ~~THIS TITLE.~~

20 ~~(3) “FEDERALLY LICENSED FIREARMS MANUFACTURER OR~~
 21 ~~IMPORTER” MEANS A PERSON LICENSED BY THE FEDERAL BUREAU OF ALCOHOL,~~
 22 ~~TOBACCO, FIREARMS AND EXPLOSIVES TO MANUFACTURE OR IMPORT FIREARMS.~~

23 ~~(4) “FIREARM” MEANS:~~

24 ~~(i) A WEAPON, OTHER THAN AN ANTIQUE FIREARM, THAT~~
 25 ~~EXPELS, IS DESIGNED TO EXPEL, OR MAY READILY BE CONVERTED TO EXPEL A~~
 26 ~~PROJECTILE BY THE ACTION OF AN EXPLOSIVE; OR~~

27 ~~(ii) THE FRAME OR RECEIVER OF SUCH A WEAPON.~~

28 ~~(B) A PERSON MAY NOT:~~

29 ~~(1) TRANSPORT INTO THE STATE A FIREARM MANUFACTURED AFTER~~
 30 ~~1968 THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED BY A FEDERALLY~~
 31 ~~LICENSED FIREARMS MANUFACTURER OR IMPORTER; OR~~

~~(2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR RECEIVE A FIREARM MANUFACTURED AFTER 1968 THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER.~~

~~(C) 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 \$5,000 OR BOTH.~~

~~4-201.~~

~~(b) "Antique firearm" means:~~

~~(1) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or~~

~~(2) a replica of a firearm described in item (1) of this subsection that:~~

~~(i) is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or~~

~~(ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.~~

~~4-204.~~

~~(a) (1) In this section, "firearm" means:~~

~~(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or~~

~~(ii) the frame or receiver of such a weapon.~~

~~(2) "Firearm" includes an antique firearm, handgun, rifle, shotgun, short barreled rifle, short barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.~~

SUBTITLE 6. COMPUTER-AIDED FIREARM FABRICATION.

~~4-601.~~

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

~~(B) "COMPUTER" HAS THE MEANING STATED IN § 7-302 OF THIS ARTICLE.~~

1 (C) (1) "COMPUTER-AIDED FABRICATION DEVICE" MEANS A
2 COMPUTER-CONTROLLED DEVICE OR MACHINE CAPABLE OF OPERATING:

3 (I) ON PHYSICAL MATERIAL OR MEDIA TO MANUFACTURE OR
4 FABRICATE AN OBJECT;

5 (II) USING SPECIFICATIONS CONTAINED IN COMPUTER
6 CONTROL LANGUAGE, A COMPUTER PROGRAM, COMPUTER SOFTWARE, OR A
7 COMPUTER DATABASE; AND

8 (III) WITHOUT THE DIRECT AND CONTINUOUS CONTROL OF A
9 PERSON.

10 (2) "COMPUTER-AIDED FABRICATION DEVICE" INCLUDES A
11 COMPUTER-CONTROLLED:

12 (I) 3-D PRINTER;

13 (II) CUTTING MACHINE;

14 (III) ELECTRICAL DISCHARGE MACHINE; AND

15 (IV) MILLING MACHINE.

16 (D) "COMPUTER CONTROL LANGUAGE" HAS THE MEANING STATED IN §
17 7-302 OF THIS ARTICLE.

18 (E) "COMPUTER DATABASE" HAS THE MEANING STATED IN § 7-302 OF THIS
19 ARTICLE.

20 (F) "COMPUTER PROGRAM" HAS THE MEANING STATED IN § 7-302 OF THIS
21 ARTICLE.

22 (G) "COMPUTER SOFTWARE" HAS THE MEANING STATED IN § 7-302 OF THIS
23 ARTICLE.

24 ~~(H) "COMPUTER SYSTEM" HAS THE MEANING STATED IN § 7-302 OF THIS~~
25 ~~ARTICLE.~~

26 ~~(H)~~ (H) "FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER"
27 ~~HAS THE MEANING STATED IN § 4-111 OF THIS ARTICLE.~~ MEANS A PERSON LICENSED
28 BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES TO
29 MANUFACTURE OR IMPORT FIREARMS.

1 ~~(J)~~ (I) "FIREARM" HAS THE MEANING STATED IN § 4-204 OF THIS TITLE.

2 4-602.

3 THIS SUBTITLE DOES NOT APPLY TO:

4 (1) THE MANUFACTURE OR POSSESSION OF A FIREARM:

5 (I) FOR TESTING OR EXPERIMENTATION AUTHORIZED BY THE
6 SECRETARY OF STATE POLICE OR THE SECRETARY'S DESIGNEE; OR

7 (II) BY A FEDERALLY LICENSED ~~GUN~~ FIREARM MANUFACTURER
8 OR IMPORTER; OR

9 (2) THE POSSESSION OF A FIREARM MANUFACTURED BY A
10 FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER.

11 4-603.

12 ~~(A) A PERSON MAY NOT USE A COMPUTER-AIDED FABRICATION DEVICE TO~~
13 ~~MANUFACTURE A FIREARM THAT IS NOT IMPRINTED WITH A SERIAL NUMBER ISSUED~~
14 ~~BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER.~~

15 ~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR~~
16 ~~AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A~~
17 ~~FINE NOT EXCEEDING \$5,000 OR BOTH.~~

18 ~~4-604.~~

19 (A) A PERSON MAY NOT POSSESS, SELL, OFFER TO SELL, TRANSFER,
20 PURCHASE, OR RECEIVE A FIREARM MANUFACTURED USING A COMPUTER-AIDED
21 FABRICATION DEVICE UNLESS THE FIREARM IS IMPRINTED WITH A SERIAL NUMBER
22 ISSUED BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR IMPORTER.

23 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
24 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
25 FINE NOT EXCEEDING \$5,000 OR BOTH.

26 7-302.

27 (a) (1) In this section the following words have the meanings indicated.

28 (4) (i) "Computer" means an electronic, magnetic, optical, organic, or
29 other data processing device or system that performs logical, arithmetic, memory, or
30 storage functions.

1 (ii) "Computer" includes property, a data storage facility, or a
2 communications facility that is directly related to or operated with a computer.

3 (iii) "Computer" does not include an automated typewriter, a
4 typesetter, or a portable calculator.

5 (5) "Computer control language" means ordered statements that direct a
6 computer to perform specific functions.

7 (6) "Computer database" means a representation of information,
8 knowledge, facts, concepts, or instructions that:

9 (i) is intended for use in a computer, computer system, or computer
10 network; and

11 (ii) 1. is being prepared or has been prepared in a formalized
12 manner; or

13 2. is being produced or has been produced by a computer,
14 computer system, or computer network.

15 (8) "Computer program" means an ordered set of instructions or
16 statements that may interact with related data and, when executed in a computer system,
17 causes a computer to perform specified functions.

18 (10) "Computer software" means a computer program, instruction,
19 procedure, or associated document regarding the operation of a computer system.

20 ~~(11) "Computer system" means one or more connected or unconnected~~
21 ~~computers, peripheral devices, computer software, data, or computer programs.~~

22 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 30,
23 2019, the Department of State Police shall develop a plan for a system in the State for the
24 registration of firearms not imprinted with a serial number issued by a federally licensed
25 firearms manufacturer or importer and submit a report describing the system, as well as a
26 cost estimate for the implementation and ongoing operation of the system, to the House
27 Judiciary Committee and the Senate Judicial Proceedings Committee, in accordance with
28 § 2-1246 of the State Government Article.

29 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 ~~October~~ July 1, 2019.