



## Maryland

### Summary of State Firearms Law

Last updated May 10, 2011

#### Overview

In the publication *Gun Laws Matter: A Comparison of State Firearms Laws and Statistics*, LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Maryland ranked 7 out of 50 – having enacted some of the toughest gun violence prevention laws in the country. Among other things, Maryland:

- Requires that all [private transfers](#) of handguns or assault weapons be processed through a licensed dealer or designated law enforcement agency, requiring a [background check](#) on the purchaser;
- Prohibits the purchase or possession of a firearm by persons convicted of certain misdemeanor [domestic violence](#) offenses, and by persons subject to certain domestic violence protective orders;
- Demands licensure of all [firearms dealers](#);
- Prohibits any person from purchasing more than [one handgun or assault weapon within a 30-day period](#);
- Imposes a 7-day [waiting period](#) prior to the physical transfer of a handgun or assault weapon;
- Requires firearms dealers to include a [locking device](#) with every handgun sold;
- Provides law enforcement discretion when issuing [permits to wear or carry a handgun](#);
- Will require that any handgun sold have [personalized handgun](#) technology;
- Imposes [design safety standards for handguns](#); and
- Prohibits the transfer of certain [assault pistols](#) and [large capacity ammunition magazines](#).

Maryland does not, however:

- Require firearm owners to [report the loss or theft](#) of their firearms; or
- Prohibit the [open carrying of firearms](#) in public (although possessors must have a permit).

## Statistics

### Gun Deaths in Maryland

Maryland ranks 21<sup>st</sup> among the states in number of gun deaths per capita. In 2007, 678 people died from firearm-related injuries in Maryland.<sup>1</sup>

### Crime Guns in Maryland

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Maryland](#) supplied the 33<sup>rd</sup> highest number of crime guns to other states. Maryland imports more crime guns than it exports.<sup>2</sup>

### Number of Federally Licensed Firearms Dealers in Maryland

There are 466 federally licensed firearms dealers and pawnbrokers in Maryland.<sup>3</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007*, at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_sy.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html).

<sup>2</sup> For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>3</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Sept. 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

## State “Right to Bear Arms”

The Maryland Constitution contains no explicit provision conferring a “right to bear arms.” See [LCAV’s State Right to Bear Arms Provisions](#) for Maryland for more-detailed information.

## **Local Authority to Regulate Firearms**

Maryland has a statute that preempts many areas of local firearm-related regulation, but allows certain types of local gun laws. See the [Maryland State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

To view the sections of the Maryland Code provided in the text below, search for the citation using the [Maryland Code](#) website.

### Persons Prohibited from Firearm Possession

#### Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Maryland has adopted other classes of prohibited persons, and incorporated some of the federal prohibitions as state offenses. In Maryland, the Secretary of the Maryland State Police shall deny a transfer of a regulated firearm<sup>4</sup> where the prospective purchaser, lessee or transferee:<sup>5</sup>

- Has been convicted of a crime of violence,<sup>6</sup> any Maryland-classified felony, conspiracy to commit a felony, a common law crime for which the person received a term of imprisonment for more than two years, or any Maryland-classified misdemeanor that carries a statutory penalty of more than two years;
- Is a fugitive from justice;
- Is a habitual drunkard;
- Is an addict or habitual user of any controlled dangerous substance;
- Is suffering from a mental disorder<sup>7</sup> and has a history of violent behavior, unless the purchaser, lessee, or transferee possesses a physician's certificate stating that he or she is capable of possessing a regulated firearm without undue danger to himself, herself or others;

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<sup>4</sup> Under Maryland law, a "regulated firearm" is defined as a handgun or a specific assault weapon as defined under state law, or a copy of such assault weapon. Md. Code Ann., Pub. Safety § 5-101(p).

<sup>5</sup> Prohibited categories for Maryland are listed under Md. Code Ann., Pub. Safety §§ 5-101(g) and 5-134(b). *See also* Md. Code Ann., Pub. Safety § 5-122 for information regarding the disapproval of a regulated firearm application. The prohibited categories for *possession* of a regulated firearm in Maryland are substantially similar to those prohibiting transfers, but do not include prohibitions for being "visibly under the influence of alcohol or drugs" or "a participant in a straw purchase," and completing a certified firearms safety training course is not required. *See* Md. Code Ann., Pub. Safety § 5-133(b) for details.

<sup>6</sup> *See* Md. Code Ann., Pub. Safety § 5-101(c) for a list of such crimes of violence.

<sup>7</sup> "Mental disorder" is defined under Md. Code Ann., Health-Gen. § 10-101(f)(2) as a "mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another."

- Has been confined for more than 30 consecutive days to a facility<sup>8</sup> unless the purchaser, lessee, or transferee possesses a physician’s certificate stating that he or she is capable of possessing a regulated firearm without undue danger to himself, herself or others;
- Is visibly under the influence of alcohol or drugs;
- Is under 21 years of age;
- Is a participant in a “straw purchase” (a sale of a regulated firearm in which a person uses another, known as the straw purchaser, to: 1) complete the application to purchase a regulated firearm; 2) take initial possession of the regulated firearm; and 3) subsequently transfer the regulated firearm to the person);<sup>9</sup>
- Is subject to a “non ex parte civil protective order;”<sup>10</sup>
- 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; or
- Has not completed a certified firearms safety training course, required to obtain a regulated firearm.<sup>11</sup>

Maryland explicitly prohibits the following persons from possessing standard rifles and shotguns:

- A person suffering from a mental disorder<sup>12</sup> who has a history of violent behavior against himself, herself or others;<sup>13</sup> or
- A person who has been confined for more than 30 consecutive days in a facility, per Md. Code Ann., Health-Gen. § 10-101.<sup>14</sup>

Transfers of rifles and shotguns by private sellers (non-firearms dealers) are not subject to background checks, although federal purchaser prohibitions still apply. See the [Maryland Private Sales](#) section.

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<sup>8</sup> “Facility” is defined under Md. Code Ann., Health-Gen. § 10-101 as any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders.

<sup>9</sup> A “straw purchase” is defined under Maryland law as a sale of a regulated firearm in which a person uses another individual as a straw purchaser to: 1) complete the application to purchase a regulated firearm; 2) take initial possession of the regulated firearm; and 3) subsequently transfers the regulated firearm to the person. Md. Code Ann., Pub. Safety § 5-101(t).

<sup>10</sup> See Md. Code Ann., Fam. Law § 4-506.

<sup>11</sup> See Md. Code Ann., Pub. Safety §§ 5-118(b)(3)(x) and 5-134(b)(14).

<sup>12</sup> Mental disorder is defined under Md. Code Ann., Health-Gen. § 10-101(f)(2). See note 7, *supra*.

<sup>13</sup> Md. Code Ann., Pub. Safety § 5-205(a).

<sup>14</sup> *Id.*

For information about the reporting of mental health information for use in firearm purchaser background checks, see the [Maryland Mental Health Reporting](#) section.

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

## Minimum Age to Purchase / Possess

Maryland generally prohibits any person under age 21 from possessing any “regulated firearm” (handgun or assault weapon).<sup>15</sup> Maryland also prohibits any person from selling, renting or transferring ammunition for a regulated firearm to a person under age 21, or any ammunition to a person under age 18.<sup>16</sup>

Maryland prohibits the sale or other transfer of a rifle or shotgun to a person under age 18.<sup>17</sup> There appears to be no minimum age to possess a rifle or shotgun in the state.

See the [Maryland Concealed Weapons Permitting](#) section for additional information.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

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<sup>15</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>16</sup> Md. Code Ann., Pub. Safety § 5-134(d)(1)(i), (d)(2).

<sup>17</sup> Md. Code Ann., Pub. Safety § 5-134(d)(1)(ii).

## **Domestic Violence and Firearms**

### **Firearm Prohibitions for Domestic Violence Misdemeanants**

Maryland prohibits the sale or other transfer of a firearm to, or possession of a firearm by, any person convicted of a disqualifying crime, which is defined to include: 1) a crime of violence; or 2) any Maryland-classified misdemeanor that carries a statutory penalty of more than two years.<sup>18</sup> This does not include all domestic violence misdemeanors under state law.

Federal law also prohibits the purchase and possession of firearms and ammunition by persons who have been convicted of a “misdemeanor crime of domestic violence.”<sup>19</sup> Federal law defines a “misdemeanor crime of domestic violence” as an offense that is a federal, state or tribal law misdemeanor and has the use or attempted use of physical force or threatened use of a deadly weapon as an element, if the offender:

- Was a current or former spouse, parent, or guardian of the victim;
- Shares a child in common with the victim;
- Was a current or former cohabitant with the victim as a spouse, parent or guardian; or
- Was similarly situated to a spouse, parent or guardian of the victim.<sup>20</sup>

### **Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders**

In Maryland, persons named as a respondent against whom a “non ex parte civil protective order” has been issued are prohibited from possessing a handgun or assault weapon.<sup>21</sup> Moreover, no person may sell, rent or transfer a handgun or assault weapon to a person who is subject to a current “non ex parte civil protective order” issued pursuant to Md. Code Ann., Fam. Law § 4-506.<sup>22</sup>

### **Removal or Surrender of Firearms When Domestic Violence Restraining/Protective Orders Are Issued**

A final domestic violence protective order issued under Maryland Code Ann., Family Law § 4-506 shall order the person subject to the order to surrender to law enforcement any firearm in his or her possession, and to refrain from possession of any firearm for the duration of the protective order.<sup>23</sup>

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<sup>18</sup> Md. Code Ann., Pub. Safety §§ 5-101(g), 5-133(b)(1), 5-134(b)(2).

<sup>19</sup> [18 U.S.C. § 922\(g\)\(9\)](#).

<sup>20</sup> [18 U.S.C. § 921\(a\)\(33\)](#).

<sup>21</sup> Md. Code Ann., Pub. Safety § 5-133(b)(8).

<sup>22</sup> Md. Code Ann., Pub. Safety § 5-134(b)(10).

<sup>23</sup> Md. Code Ann., Fam. Law § 4-506(f).

Maryland authorizes, but does not require, courts issuing temporary domestic violence protective orders to require the subject of such order to surrender all firearms in the person's possession and require that the person refrain from gun possession for the duration of the temporary order.<sup>24</sup> The court may order the surrender of guns in these instances if the abuse consisted of:

- Use of a firearm by the respondent against the person to be protected;
- Threat by the respondent to use a firearm against the person to be protected;
- Serious bodily harm by the respondent to a person to be protected; or
- Threat by the respondent to cause serious bodily harm to a person to be protected.<sup>25</sup>

Law enforcement receiving a firearm lawfully surrendered must transport and store the firearm safely while the protective order is in effect.<sup>26</sup>

### **Removal or Surrender of Firearms at the Scene of a Domestic Violence Incident**

Maryland allows a law enforcement officer responding to an alleged domestic violence incident to remove a firearm from the scene if he or she: 1) has probable cause to believe an act of domestic violence has occurred; and 2) observed the firearm on the scene during the response.<sup>27</sup> The officer must provide information to the owner regarding the process for retrieving the firearm and must provide safe storage for the firearm during any related domestic violence legal proceeding.<sup>28</sup> The owner may resume possession of the firearm at the conclusion of legal proceedings related to the domestic violence incident, unless ordered by a court to surrender the weapon.<sup>29</sup>

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Maryland Background Checks](#) and [Maryland Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

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<sup>24</sup> Md. Code Ann., Fam. Law § 4-505(a)(2)(viii).

<sup>25</sup> Md. Code Ann., Fam. Law § 4-505(a)(2)(viii).

<sup>26</sup> Md. Code Ann., Fam. Law § 4-506.1(a).

<sup>27</sup> Md. Code Ann., Fam. Law § 4-511(a).

<sup>28</sup> Md. Code Ann., Fam. Law § 4-511(b).

<sup>29</sup> Md. Code Ann., Fam. Law § 4-511(c).

## Disarming Prohibited Persons

### Handguns and Assault Weapons

A regulated firearm (handgun or assault weapon) or an assault pistol that is sold, rented, transferred, possessed, received or purchased in violation of state law governing such firearms may be seized by law enforcement as “contraband” and disposed of per state law.<sup>30</sup>

A handgun that is “worn, carried, or transported” in violation of state laws governing the carrying and transporting of handguns is subject to seizure and forfeiture by law enforcement.<sup>31</sup> Ammunition found “in the immediate vicinity” of such a handgun is also subject to seizure.<sup>32</sup> Moreover, ammunition “worn, carried, or transported” in violation of state laws governing the carrying and transporting of handguns, or laws penalizing the commission of a crime with a handgun, is also subject to seizure and forfeiture.<sup>33</sup>

A law enforcement officer may conduct a limited search, without a search warrant, if he or she reasonably believes a person: 1) may be wearing, carrying or transporting a handgun in violation of state law; and 2) is a danger to law enforcement or others due to the possession of the handgun.<sup>34</sup> The officer must also believe it is impracticable to obtain a search warrant and that “swift measures” are necessary to discover whether the person is wearing, carrying or transporting a handgun. If, subsequent to a search, the officer finds that the person is wearing, carrying or transporting a handgun, he or she may demand evidence that the person is lawfully permitted to do so. If no evidence is produced, the officer may seize the handgun and arrest the person.<sup>35</sup>

After law enforcement seizes a handgun, the officers must attempt to locate the owner of the handgun.<sup>36</sup> Law enforcement has discretion to either return the handgun to the owner or notify the owner that he or she may apply within 30 days for a review to determine whether the owner: 1) “knew or should have known that the handgun was worn, carried, transported, or used” in violation of state laws governing the carrying and transporting of handguns; and 2) is legally permitted to possess the handgun.<sup>37</sup>

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<sup>30</sup> Md. Code Ann., Pub. Safety § 5-135. *See also* Md. Code Ann., Crim. Law § 4-304.

<sup>31</sup> Md. Code Ann., Crim. Proc. § 13-201(1).

<sup>32</sup> Md. Code Ann., Crim. Proc. § 13-201(2)(ii).

<sup>33</sup> Md. Code Ann., Crim. Proc. § 13-201.

<sup>34</sup> Md. Code Ann., Crim. Law § 4-206.

<sup>35</sup> *Id.*

<sup>36</sup> Md. Code Ann., Crim. Proc. § 13-203.

<sup>37</sup> *Id.* If the owner of a seized handgun timely requests a review, law enforcement must informally review whether the owner knew or should have known of the unlawful use of the handgun. Md. Code Ann., Crim. Proc. § 13-204. If the review results in a decision favorable to the owner, law enforcement must return the handgun to the owner if he or she is legally permitted to possess it. If the handgun is needed as evidence in a criminal case or investigation, it must be returned promptly when the case or investigation ends. If the informal review results in an unfavorable conclusion for the owner, within 30 days of notification of such determination the owner may petition for review by the District Court. *Id.* See Md. Code Ann., Crim. Proc. § 13-205 for information on seized handguns in criminal cases.

In Maryland, the holder of a revoked handgun permit must return the permit to the Secretary of the Maryland State Police within ten days of receiving written notice of the revocation.<sup>38</sup> A person who fails to return a revoked permit may be imprisoned for up to one year and/or ordered to pay a fine between \$100 and \$1,000.<sup>39</sup>

### **Machine Guns**

Maryland provides that a court may issue a warrant to search for and seize a machine gun that is possessed in violation of state law regulating possession of machine guns.<sup>40</sup>

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<sup>38</sup> Md. Code Ann., Pub. Safety § 5-310.

<sup>39</sup> Md. Code Ann., Pub. Safety § 5-313.

<sup>40</sup> Md. Code Ann., Crim. Law § 4-402(c).

## Sales & Transfers

### Background Checks

Federal law requires federally licensed firearms dealers (but not private sellers) to initiate a background check on the purchaser prior to sale of a firearm. Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the National Instant Criminal Background Check System (NICS) database. (Note that state files are not always included in the federal database.)

The Secretary of the Maryland State Police (“Secretary”) serves as a partial state point of contact for implementation of the Brady Act. All transfers of state-defined “regulated firearms” (handguns and assault weapons)<sup>41</sup> must be processed through the Secretary, who in turn uses NICS and other databases to verify that prospective purchasers are not prohibited from possessing a firearm.<sup>42</sup> A seller of a regulated firearm who is not licensed as a dealer in such firearms must complete a transaction through either a regulated firearms dealer or a designated law enforcement agency.<sup>43</sup> See the Maryland Private Sales section for further information.

The FBI conducts NICS checks for long gun (rifle and shotgun) transfers.<sup>44</sup>

See the Maryland Prohibited Purchasers Generally section for the classes of persons prohibited from purchasing or possessing a firearm under state law.

See Regulating Guns in America: Background Checks for a comprehensive discussion of this issue.

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<sup>41</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>42</sup> Md. Code Ann., Pub. Safety §§ 5-123, 124. Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited Oct. 13, 2011).

<sup>43</sup> Md. Code Ann., Pub. Safety § 5-124(a)(2).

<sup>44</sup> Federal Bureau of Investigation, *supra* note 42.

## Mental Health & Firearms

Federal law prohibits any person from selling or otherwise transferring a firearm or ammunition to any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>45</sup> No federal law requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(NICS\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Maryland does not require the reporting of mental health information to NICS.

Maryland requires any facility that admits an individual with a mental disorder to submit a report to the State Department of Health and Mental Hygiene within 10 days after admission.<sup>46</sup> Maryland law governing the privacy of mental health records makes no provision for the release of information for background checks for firearm transfers.<sup>47</sup> However, the Secretary of the Maryland Department of State Police (DSP) requires, as part of the application to purchase, rent or transfer a handgun or assault weapon, the applicant’s written authorization to the Maryland Department of Health and Mental Hygiene, “or any other similar agency or department of another state,” to disclose to DSP whether the applicant: 1) suffers from a mental disorder and has a history of violent behavior against anyone; and 2) has been confined for more than 30 consecutive days to a mental health facility.<sup>48</sup>

Courts must notify the Criminal Justice Information System Central Repository of any commitment ordered upon a determination that a defendant is incompetent to stand trial, or a determination that a person is not criminally responsible because of a mental disorder or mental retardation.<sup>49</sup> State law is unclear as to whether this information affects firearm transfers.

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Maryland Background Checks](#) and [Maryland Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

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<sup>45</sup> [18 U.S.C. § 922\(d\)\(4\)](#).

<sup>46</sup> Md. Code Ann., Health-Gen. § 10-605.

<sup>47</sup> See Md. Code Ann., Health-Gen. § 4-307.

<sup>48</sup> Md. Code Regs. 29.03.01.03(A)(8).

<sup>49</sup> Md. Code Ann., Crim. Proc. §§ 3-106(h), 3-112(d).

## Multiple Purchases / Sales of Firearms

Maryland prohibits any person from purchasing more than one handgun or assault weapon within a 30-day period.<sup>50</sup> A person whose handgun or assault weapon is stolen or irretrievably lost and who “considers it essential” that the firearm be replaced immediately may obtain another handgun or assault weapon if he or she provides a copy of an official police report which contains relevant information regarding the owner of the firearm and information regarding the loss or theft of the firearm.<sup>51</sup>

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

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<sup>50</sup> Md. Code Ann., Pub. Safety § 5-128(b).

<sup>51</sup> Md. Code Ann., Pub. Safety § 5-128(a)(8). See Md. Code Ann., Pub. Safety § 5-129 for additional grounds for allowing multiple purchases of handguns or assault weapons.

## Retention of Sales / Background Check Records

Maryland requires that licensed dealers forward information of a completed transaction involving the transfer of a “regulated firearm” (handguns and assault weapons)<sup>52</sup> to the Secretary of the Maryland State Police (“Secretary”) within seven days following the delivery of a regulated firearm.<sup>53</sup> The Secretary must maintain a permanent record of all such notifications.<sup>54</sup>

Private sellers of regulated firearms (those sellers that are not licensed) must also forward completed transaction information to the Secretary within seven days after a regulated firearm transfer.<sup>55</sup> The Secretary shall maintain permanent records of these notifications as well.<sup>56</sup> See the [Maryland Private Sales](#) summary for additional information on Private Sales.

Maryland requires that dealers transacting in regulated firearms keep for at least three years copies of applications to purchase or transfer such firearms.<sup>57</sup>

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

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<sup>52</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>53</sup> Md. Code Ann., Pub. Safety § 5-123(d)(1).

<sup>54</sup> Md. Code Ann., Pub. Safety § 5-123(d)(2).

<sup>55</sup> Md. Code Ann., Pub. Safety § 5-124(e)(1).

<sup>56</sup> Md. Code Ann., Pub. Safety § 5-124(e)(2).

<sup>57</sup> [Md. Code Regs. 29.03.01.09\(D\)](#).

## Waiting Periods

In Maryland, any person, whether a licensed dealer or private seller, who sells, rents or otherwise transfers a “regulated firearm” (handgun or assault weapon) may not transfer the firearm until seven days have elapsed following the time a prospective purchaser completes an application to purchase a regulated firearm, and the application is forwarded to the Secretary of the Maryland State Police.<sup>58</sup>

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

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<sup>58</sup> Md. Code Ann., Pub. Safety §§ 5-123(a), 5-124(a)(1).

## Gun Dealers & Other Sellers

### Dealer Regulations

Any person in Maryland engaged in the business of selling, renting, or transferring state-defined “regulated firearms” (handguns and assault weapons)<sup>59</sup> must have a Maryland firearms dealer’s license.<sup>60</sup> A separate license is required for each place of business where regulated firearms are sold.<sup>61</sup> Prospective dealers may only obtain such a license if they are not prohibited from possessing firearms or ammunition under federal or state law, as outlined in the [Maryland Prohibited Purchasers Generally](#) section.<sup>62</sup>

The initial fee for a regulated firearm dealer’s license is \$50, with an annual renewal fee of \$25.<sup>63</sup> A regulated firearms dealer’s license is valid for one year, and may be renewed for a term of one year or will expire on the first June 30 following its effective date.<sup>64</sup>

Dealers are required to “display conspicuously” the license and any other licenses required by law at the dealer’s place of business.<sup>65</sup>

Dealers are required to report the sale of any regulated firearm within seven days of the completed sale to the Firearms Registration Section of the Maryland Department of State Police.<sup>66</sup> In addition, a dealer must maintain for at least three years a copy of the application for transfer of a regulated firearm, which shall be open for inspection by any law enforcement officer during normal business hours.<sup>67</sup>

Maryland has established a handgun roster that, subject to limited exceptions, lists the only handguns that dealers or any private sellers are allowed to sell in the state.<sup>68</sup> Anyone who sells or offers for sale a handgun manufactured after January 1, 1985 that is not included on the state roster is criminally liable for a misdemeanor, drawing a maximum fine of \$2,500 for each violation.<sup>69</sup> See the [Maryland Design Safety Standards for Handguns](#) section for further information on the handgun roster.

For laws applicable to both licensed and private firearm sellers, please see the [Maryland Private Sales](#) section.

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<sup>59</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>60</sup> Md. Code Ann., Pub. Safety § 5-106(a).

<sup>61</sup> Md. Code Ann., Pub. Safety § 5-106(b).

<sup>62</sup> Note that the state prohibitions for firearms dealers are defined somewhat differently than those for firearms transferees, and there appear to be no dealer prohibitions specifically addressing persons who have previously been adjudicated delinquent. See Md. Code Ann., Pub. Safety § 5-107(b)(4).

<sup>63</sup> Md. Code Ann., Pub. Safety §§ 5-107(a)(1)(ii); 5-111(b)(1)(ii).

<sup>64</sup> Md. Code Ann., Pub. Safety §§ 5-111(a).

<sup>65</sup> Md. Code Ann., Pub. Safety § 5-113(a). For information on the suspension or revocation of a regulated firearms dealer’s license, see Md. Code Ann., Pub. Safety §§ 5-114, 5-115 and 5-116.

<sup>66</sup> Md. Code Ann., Pub. Safety § 5-123(d); [Md. Code Regs. 29.03.01.09\(A\)](#).

<sup>67</sup> [Md. Code Regs. 29.03.01.09\(D\)](#).

<sup>68</sup> Md. Code Ann., Pub. Safety §§ 5-404 – 5-406.

<sup>69</sup> Md. Code Ann., Pub. Safety § 5-406(a)(2), (c)(2).

Pursuant to the [Brady Act](#), federally licensed firearms dealers must conduct background checks on prospective purchasers each time the dealer transfers a firearm. In addition, dealers may not sell, rent or transfer a regulated firearm to any person the dealer knows or has reasonable cause to believe is a prohibited purchaser under state law. See the [Maryland Background Checks](#) section for detailed information.

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

## Private Sales

Private firearms sellers (persons who are not licensed dealers) must process transfers<sup>70</sup> of “regulated firearms” (handguns and assault weapons)<sup>71</sup> through a licensed dealer or designated law enforcement agency.<sup>72</sup> In addition, no regulated firearm transfers may be made to any person whom the private seller knows or has a reasonable cause to believe is a prohibited purchaser under state law. See the [Maryland Prohibited Purchasers Generally](#) and [Maryland Minimum Age to Purchase/Possess](#) sections for detailed information.

Maryland requires all private sellers of regulated firearms to forward completed transaction information to the Secretary of the Maryland State Police within seven days after a regulated firearm transfer.<sup>73</sup> The Secretary shall maintain permanent records of these notifications as well.<sup>74</sup>

Private sales of rifles and shotguns are not required to be processed through a licensed dealer, and purchasers are not subject to background checks, but federal and limited state purchaser prohibitions still apply. See the [Maryland Background Checks](#) section.

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

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<sup>70</sup> A “secondary sale” in Maryland is defined as the sale of a regulated firearm in which neither party to the sale is person with a federal or state firearms dealer license, deals in firearms as a regular course of trade or business with the principal objective of earning a profit through the repeated purchase or resale of firearms, or is in the business of repairing firearms. Md. Code Ann., Pub. Safety § 5-101(r).

<sup>71</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>72</sup> Md. Code Ann., Pub. Safety § 5-124(a).

<sup>73</sup> Md. Code Ann., Pub. Safety § 5-124(e)(1).

<sup>74</sup> Md. Code Ann., Pub. Safety § 5-124(e)(2). Maryland also requires sellers to submit copies of any firearm application to the Secretary of State Police. Md. Code Ann., Pub. Safety § 5-120(a). For more details on private sales of regulated firearms, see [Md. Code Regs. 29.03.01.05](#).

## Gun Shows

Maryland requires all vendors displaying state-defined “regulated firearms” (handguns and assault weapons)<sup>75</sup> for transfer from a table or fixed display at a gun show to hold either a valid Maryland regulated firearms dealer’s license or, for persons displaying a firearm at five or fewer gun shows per year, a temporary transfer permit issued by Secretary of the Maryland State Police.<sup>76</sup> Maryland defines a gun show as “any organized gathering open to the public at which any firearm is displayed.”<sup>77</sup> All prospective transfers of regulated firearms at a gun show are subject to a background check.<sup>78</sup>

Each temporary transfer permit is valid for a single gun show, and a person may not receive more than five permits during a single calendar year.<sup>79</sup>

Persons displaying rifles and shotguns are not required to possess either a dealer’s license or a temporary transfer permit, and private transfers of these firearms are not subject to federal or state background check requirements, although federal and limited state purchaser prohibitions still apply.

Counties may deny funding to private venues that host gun shows. In *Frank Krasner Enters. v. Montgomery County*,<sup>80</sup> a privately-owned agricultural center eligible to receive county funding for events at the center ceased hosting gun shows due to a county ordinance prohibiting the funding of any organization that hosts or supports any event allowing “the display and sale of guns.”<sup>81</sup> A gun show promoter who previously held events at the center sued the county on the ground that the county’s funding ban violates Maryland law.<sup>82</sup> The U.S. Court of Appeals for the Fourth Circuit held that the promoter lacked standing to sue the county, and noted that even if the court found the promoter had standing to sue, the county had no legal obligation to subsidize the center for the show.<sup>83</sup>

See the [Maryland Private Sales](#) section for state laws that may apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

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<sup>75</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>76</sup> Md. Code Ann., Pub. Safety § 5-130(c), (i). Applicants for temporary transfer permits are subject to a background investigation. Md. Code Ann., Pub. Safety § 5-130(e), (g). For additional information, see Md. Code Regs. 29.03.01.18 – 29.03.01.22.

<sup>77</sup> Md. Code Ann., Pub. Safety § 5-130(a).

<sup>78</sup> Md. Code Ann., Pub. Safety § 5-130(j).

<sup>79</sup> Md. Code Ann., Pub. Safety § 5-130(i)(1). Sales of regulated firearms at public auctions or flea markets must comply with Maryland's firearm transfer laws. [Md. Code Regs. 29.03.01.23](#).

<sup>80</sup> [401 F.3d 230 \(4th Cir. 2005\)](#).

<sup>81</sup> *Id.* at 232-33.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.* at 236.

## Immunity Statutes

Maryland prohibits the imposition of strict liability for injuries to another that result from the criminal use of a firearm by a third person.<sup>84</sup> The legislature enacted this section to supersede *Kelley v. R.G. Industries, Inc.*,<sup>85</sup> which had imposed strict liability on a manufacturer of “Saturday Night Specials” (otherwise known as [Junk Guns](#)) for their criminal misuse.

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center’s Legal Action Project](#) and the [Coalition to Stop Gun Violence’s Gun Industry Immunity page](#).

See [LCAV’s policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

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<sup>84</sup> Md. Code Ann., Pub. Safety § 5-402(b)(2). This restriction does not apply if the person conspired with the third person to commit the criminal act in which the firearm was used or willfully aided, abetted, or caused the commission of the criminal act in which the firearm was used.

<sup>85</sup> 497 A.2d 1143 (Md. 1985).

## Gun Owner Responsibilities

### Licensing of Gun Owners or Purchasers

Maryland requires that purchasers of state-defined “regulated firearms” (handguns and assault weapons)<sup>86</sup> complete a certified firearms safety training course.<sup>87</sup> This course must be the one offered by the Maryland Police Training Commission or that meets the standards established by the Commission for such training courses.<sup>88</sup>

Persons with a permit to carry a handgun do not need to complete the certified firearms training course requirement.<sup>89</sup> For further information on Maryland’s gun safety training requirements, please consult the [Maryland Firearms Safety Training Website](#).

Maryland does not otherwise require the licensing of gun owners or purchasers.

See the [Maryland Assault Weapons](#) section for information on assault weapons.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

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<sup>86</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>87</sup> Md. Code Ann., Pub. Safety § 5-118(b)(3)(x). For those persons exempt from the certified firearms training course requirement, see Md. Code Ann., Pub. Safety § 5-119.

<sup>88</sup> See Md. Code Ann., Pub. Safety § 3-207 for information on the Police Training Commission’s powers and duties.

<sup>89</sup> Md. Code Ann., Pub. Safety § 5-119.

## Registration of Firearms

The Secretary of the Maryland State Police maintains a permanent record of all completed transfers of “regulated firearms”<sup>90</sup> (handguns and assault weapons).<sup>91</sup> The record must contain the caliber, make, model, serial number and special characteristics of each regulated firearm transferred.<sup>92</sup>

See the [Maryland Assault Weapons](#) section for information on the registration of assault weapons.

Maryland has no other firearm registration requirements.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

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<sup>90</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>91</sup> Md. Code Ann., Pub. Safety § 5-123(d)(2).

<sup>92</sup> Md. Code Ann., Pub. Safety § 5-123(d)(1)(ii).

## Reporting Lost or Stolen Firearms

Maryland does not require the reporting of lost or stolen firearms.

Maryland provides as an exception to the prohibition on purchasing more than one handgun or assault weapon within a 30-day period the acquisition of another such firearm by persons who provide a copy of an official police report containing relevant information regarding the owner of the firearm and information regarding the loss or theft of the firearm.<sup>93</sup> See the [Maryland Multiple Purchases/Sales of Firearms](#) section for additional information.

See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

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<sup>93</sup> Md. Code Ann., Pub. Safety § 5-128(a)(8).

## Firearms in Public Places

### Concealed Weapons Permitting

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Maryland is a “may-issue” state, meaning that the Secretary of the Maryland State Police (“Secretary”) has discretion to issue a permit to anyone seeking to wear, carry or transport a handgun if the applicant demonstrates a “good and substantial reason” to carry a handgun and has not previously shown a “propensity for violence or instability” that may cause the applicant to be a danger to himself or herself or other persons when possessing the handgun.<sup>94</sup> “Good and substantial reason” includes a finding by the Secretary that a handgun permit is necessary to protect the applicant against apprehended danger.<sup>95</sup> Any person wishing to obtain a handgun permit must also:<sup>96</sup>

- Be an “adult;”
- Have no felony convictions or misdemeanor convictions for which a sentence of imprisonment for more than one year has been imposed;
- If under age 30, have no adjudications of delinquency in a juvenile court for any act that would be a felony or “crime of violence” if committed by an adult or for any misdemeanor carrying a statutory penalty of two years or more, and have never been committed to any detention, training or correctional institution for more than one year as a juvenile;
- Have no convictions involving the possession, use or distribution of controlled substances and not be presently an alcoholic, addict or habitual user of a controlled dangerous substance; and
- Meet all federal and state requirements to possess a handgun, as outlined in the [Maryland Prohibited Purchasers Generally](#) section.

Applicants for a first-time permit are required to submit a nonrefundable application fee not to exceed \$75.<sup>97</sup>

A handgun permit will be revoked if the permittee no longer satisfies the qualifications to hold a permit or fails to carry the permit any time they carry, wear or transport a handgun.<sup>98</sup> Anyone failing to return to the Secretary their revoked permit is criminally liable for a misdemeanor.<sup>99</sup>

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<sup>94</sup> Md. Code Ann., Pub. Safety §§ 5-303, 5-306(a).

<sup>95</sup> Md. Code Ann., Pub. Safety § 5-306(a)(5)(ii).

<sup>96</sup> Md. Code Ann., Pub. Safety § 5-306.

<sup>97</sup> Md. Code Ann., Pub. Safety § 5-304(b)(2)(i). Additional application and background check requirements, as well as permit suspension or disqualification information, are detailed under Md. Code Ann., Pub. Safety §§ 5-304, 5-305 and 5-306.

Permittees are criminally liable for a misdemeanor if they wear, carry or transport a handgun while under the influence of alcohol or drugs.<sup>100</sup> Maryland also imposes a misdemeanor upon any person who carries, wears or transports a handgun, whether concealed or in open view, without a valid handgun permit. The Secretary of State Police retains the power to limit the geographic area, circumstances, or times in which the handgun permit is effective.<sup>101</sup>

### **Firearm Safety Training**

Maryland does not require training to obtain a permit to wear, carry or transport a handgun.

### **Duration & Renewal**

Maryland handgun permits expire “on the last day of the holder’s birth month following 2 years after the date the permit is issued.”<sup>102</sup> Permits may be renewed for successive periods of three years each, upon application and payment of a renewal fee.<sup>103</sup> Applicants renewing their handgun permits are charged a fee not to exceed \$50.<sup>104</sup> Applicants must continue to possess the qualifications set forth in the handgun permitting rules of Maryland Code Ann., Public Safety § 5-306 to renew a permit.<sup>105</sup>

### **Disclosure or Use of Information**

In Maryland, any information obtained by the Secretary from the Maryland Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services pursuant to the Secretary’s request for a criminal history records check on a handgun permit applicant:

- Is confidential and may not be disseminated; and
- Shall be used only for the licensing purpose authorized by Md. Code Ann., Pub. Safety § 5-305.<sup>106</sup>

### **Reciprocity**

No relevant statutes currently exist, indicating that Maryland does not recognize concealed weapons permits issued in other states.

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<sup>98</sup> Md. Code Ann., Pub. Safety § 5-310(a).

<sup>99</sup> Md. Code Ann., Pub. Safety § 5-313. For review procedures for persons denied a permit, see Md. Code Ann., Pub. Safety §§ 5-311 and 5-312.

<sup>100</sup> Md. Code Ann., Pub. Safety § 5-314.

<sup>101</sup> Md. Code Ann., Pub. Safety § 5-307(b).

<sup>102</sup> Md. Code Ann., Pub. Safety § 5-309(a).

<sup>103</sup> Md. Code Ann., Pub. Safety § 5-309(b).

<sup>104</sup> Md. Code Ann., Pub. Safety § 5-304(b)(2)(ii).

<sup>105</sup> Md. Code Ann., Pub. Safety § 5-309(b).

<sup>106</sup> Md. Code Ann., Pub. Safety § 5-305(e).

## Open Carrying

Maryland allows the [open carrying](#) of a handgun on the person by a person with a permit to wear, carry, or transport a handgun.<sup>107</sup>

Maryland does not prohibit the open carrying of long guns in public.

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<sup>107</sup> Md. Code Ann., Crim. Law § 4-203(a), (b)(2).

## Location Restrictions

### Guns in Vehicles

Maryland prohibits the knowing transportation of a handgun, whether openly or concealed, on or about the person or in a vehicle traveling on a state highway, waterway, airway, or road or parking lot generally used by the public.<sup>108</sup> Exceptions to these provisions include transporting a handgun to or from:

- A place of purchase or repair;
- A residence and business; or
- An organized military activity, formal or informal target practice, sport shooting event, or hunting.<sup>109</sup>

Under these exceptions, the handgun must be unloaded and carried in an enclosed case or holster.<sup>110</sup> Persons with a permit to wear, carry, or transport the handgun are exempt.<sup>111</sup>

Maryland prohibits the possession of a loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or chamber, in or on an automobile or other vehicle.<sup>112</sup>

Maryland also prohibits any person from boarding, attempting to board, or being aboard a commercial aircraft with a firearm, whether openly carried or concealed.<sup>113</sup>

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<sup>108</sup> Md. Code Ann., Crim. Law § 4-203(a)(1).

<sup>109</sup> Md. Code Ann., Crim. Law § 4-203(b)(3), (4).

<sup>110</sup> Md. Code Ann., Crim. Law § 4-203(b)(3). A person violating this section is guilty of a misdemeanor and subject to imprisonment for up to three years or a fine of up to \$2,500, or both. Md. Code Ann., Crim. Law § 4-203(c).

<sup>111</sup> Md. Code Ann., Crim. Law § 4-203(b)(2).

<sup>112</sup> Md. Code Ann., Nat. Res. § 10-410(c)(1).

<sup>113</sup> Md. Code Ann., Transp. § 5-1008. Any person who violates any provision of this section is guilty of a felony and is subject to imprisonment not to exceed ten years. *Id.*

## Guns in Schools

Maryland prohibits any person from carrying or possessing a firearm on public school property.<sup>114</sup>

Exceptions to this prohibition include persons engaged in an organized shooting activity for educational purposes and persons who, with a written invitation from the school principal, display or engage in a historical demonstration using a weapon or a replica of a weapon for educational purposes.<sup>115</sup>

There is no exception for possession by concealed handgun permit holders.<sup>116</sup>

See [LCAV's policy page on Guns in Schools](#) for further information.

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<sup>114</sup> Md. Code Ann., Crim. Law § 4-102(b).

<sup>115</sup> Md. Code Ann., Crim. Law § 4-102(a).

<sup>116</sup> In Maryland, a county superintendent or the superintendent's representative shall suspend a student for a minimum of one year who possesses a firearm on school property. Md. Code Ann., Educ. § 7-305(f)(2). The superintendent may specify, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board, for a student who brought a gun onto school property. Md. Code Ann., Educ. § 7-305(f)(3). *See also* Md. Code Regs. 13A.08.01.12-1.

## Other Location Restrictions

Maryland prohibits the possession of a firearm, whether loaded or unloaded, at a demonstration in a public place or in a vehicle within 1,000 feet of such demonstration after law enforcement has:

- Advised the person that a demonstration is occurring at the public place; and
- Ordered the person to leave the demonstration area until he or she has disposed of the firearm.<sup>117</sup>

There is no exception for concealed weapon permit holders.

Regarding handgun possession by permittees, the Secretary of State Police retains the power to further limit the geographic area, circumstances, or times in which the handgun permit is effective.<sup>118</sup>

Maryland has no statutes prohibiting the possession of firearms with a proper permit in the following locations, although administrative regulations may apply:

- Parks;
- Hospitals;
- Places of worship;
- Bars or restaurants where alcohol is served;
- Sports arenas;
- Gambling facilities; or
- Polling places.

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<sup>117</sup> Md. Code Ann., Crim. Law § 4-208.

<sup>118</sup> Md. Code Ann., Pub. Safety § 5-307(b).

## Consumer & Child Safety

### Design Safety Standards for Handguns

In Maryland, a handgun may not be manufactured for distribution or sale if it is not included on Maryland's handgun roster.<sup>119</sup> In addition, a handgun manufactured after January 1, 1985 that is not included on the handgun roster may not be sold or offered for sale.<sup>120</sup>

The handgun roster is compiled by the Handgun Roster Board ("Board"), an entity of the Maryland Department of State Police ("DSP") made up of 11 members (the Secretary of the DSP and ten appointees of the Governor who are knowledgeable in the field) who hold terms of four years.<sup>121</sup> The Board must consider the following characteristics of a handgun in determining whether it should be placed on the roster: concealability, ballistic accuracy, weight, quality of materials, quality of manufacture, reliability as to safety, caliber, detectability (vis-à-vis airport and courthouse security equipment standards), and utility for legitimate sporting activities, self-protection, or law enforcement uses.<sup>122</sup> The Board must "consider carefully" each characteristic, and must not place "undue weight on any one characteristic."<sup>123</sup>

The Secretary of the DSP may seek an order from a circuit court to permanently or temporarily enjoin the willful and continuous manufacture, sale, or offer for sale of a handgun that is not included on the handgun roster.<sup>124</sup>

There is evidence that legislation banning the sale of junk guns directly affects the number of firearm homicides. A 2002 study of Maryland's junk gun ban found that the ban resulted in an 8.6% decrease in firearm homicides in the state – an average of 40 lives saved per year – between 1990 and 1998.<sup>125</sup>

Maryland's Attorney General may also have authority to regulate junk guns and promulgate other firearms safety standards.<sup>126</sup>

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

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<sup>119</sup> Md. Code Ann., Pub. Safety § 5-406(a)(1).

<sup>120</sup> Md. Code Ann., Pub. Safety § 5-406(a)(2).

<sup>121</sup> Md. Code Ann., Pub. Safety § 5-404.

<sup>122</sup> Md. Code Ann., Pub. Safety § 5-405.

<sup>123</sup> Md. Code Ann., Pub. Safety § 5-405(b).

<sup>124</sup> Md. Code Ann., Pub. Safety § 5-406(b).

<sup>125</sup> Daniel W. Webster et al., *Effects of Maryland's Law Banning "Saturday Night Special" Handguns on Homicides*, 155 Am. J. Epidemiology 406, 409-411 (Mar. 2002). Another study on Maryland's ban showed that the law reduced the use of prohibited junk guns by criminals in Baltimore, finding that a junk gun prohibited in Maryland was more than twice as likely to be the subject of a law enforcement crime gun trace request in 15 other major U.S. cities combined than in Baltimore. Jon S. Vernick et al., *Effects of Maryland's Law Banning Saturday Night Special Handguns on Crime Guns*, 5 Inj. Prevention 259, 261-263 (Dec. 1999).

<sup>126</sup> See the Maryland Consumer Protection Act, Md. Code Ann., Com. Law § 13-201 *et seq.* For additional details, see Legal Action Project, Center to Prevent Handgun Violence, *Targeting Safety* (2001), available at <http://www.bradycenter.org/xshare/pdf/reports/targetingsafety.pdf>.

## Locking Devices

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.”<sup>127</sup> 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.<sup>128</sup>

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.”<sup>129</sup> 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.”<sup>130</sup>

Maryland does not require firearm owners to lock their weapons.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

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<sup>127</sup> Md. Code Ann., Pub. Safety § 5-132(c)(1).

<sup>128</sup> Md. Code Ann., Pub. Safety § 5-132(a)(3).

<sup>129</sup> Md. Code Ann., Pub. Safety § 5-132(c)(2).

<sup>130</sup> Md. Code Ann., Pub. Safety § 5-132(a)(6).

## Personalized / Owner-Authorized Firearms

A “personalized handgun” is defined under Maryland law as any handgun manufactured with technology incorporated into the design allowing the handgun to be fired only by a person who is the authorized user of the handgun, and that prevents any of the handgun’s safety characteristics from being readily deactivated.<sup>131</sup>

Maryland’s Handgun Roster Board (“Board”) is required to review the status of personalized handgun technology and report its findings to the Governor and the General Assembly on or before the first day of July each year.<sup>132</sup> The Board, in reviewing the status of personalized handgun technology, shall consider information on the number and variety of models and calibers of personalized handguns available for sale, and any studies, analyses or other evaluations of personalized handguns conducted or commissioned by: 1) the National Institute of Justice; 2) a federal, state or local law enforcement laboratory; or 3) any other entity with an expertise in handgun technology.<sup>133</sup>

See [\*Regulating Guns in America: Personalized Firearms\*](#) for a comprehensive discussion of this issue.

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<sup>131</sup> Md. Code Ann., Pub. Safety § 5-132(a)(7).

<sup>132</sup> Md. Code Ann., Pub. Safety § 5-132(d)(1).

<sup>133</sup> Md. Code Ann., Pub. Safety § 5-132(d)(2).

## Child Access Prevention

Maryland law 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.”<sup>134</sup> 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.<sup>135</sup>

Foster parents in Maryland who keep firearms in the home must store the guns, and all ammunition, in a locked room or container that is inaccessible to children, take all safety precautions to ensure firearms are not unintentionally used to injure children, and assure that any loaded firearms are not kept in the home unless required because a law enforcement officer lives in the household.<sup>136</sup>

For other measures related to child access prevention, see the [Maryland Locking Devices](#) section.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

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<sup>134</sup> Md. Code Ann., Crim. Law § 4-104(c). “Child” is defined as a person under age 16, per Md. Code Ann., Crim. Law § 4-104(a)(3).

<sup>135</sup> Md. Code Ann., Crim. Law § 4-104(b).

<sup>136</sup> [Md. Code Regs. 07.02.25.05\(G\)\(3\)\(b\)](#), [07.05.02.10\(G\)\(1\)](#).

## Classes of Weapons / Ammunition

### Assault Weapons

Maryland regulates the sale of assault weapons, defined to include a list of 45 specified firearms or their copies, including certain variations of those models.<sup>137</sup> Assault weapons qualify as state-defined “regulated firearms,”<sup>138</sup> and transfers of such guns are subject to enhanced [background checks](#), [firearms dealer regulations](#), [private sales](#), and [reporting of lost or stolen firearms](#) regulations. In addition, purchasers:

- Must be age 21 or older (see the [Maryland Minimum Age to Purchase/Possess](#) section);
- Are subject to a seven-day [waiting period](#); and
- Are limited to one assault weapon in any 30-day period (see the [Maryland Multiple Purchases/Sales of Firearms](#) section).

Maryland also prohibits the possession, sale, offering of sale, transfer, purchase, receipt, or transportation into the state of an “assault pistol.”<sup>139</sup> Assault pistols are defined to include 15 specified firearms or their copies, including certain variations of those models.<sup>140</sup> Persons who lawfully possessed an assault pistol before June 1, 1994 may continue to possess the weapon if it was registered with the State Police before August 1, 1994.<sup>141</sup>

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

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<sup>137</sup> Md. Code Ann., Pub. Safety § 5-101(p).

<sup>138</sup> *Id.*

<sup>139</sup> Md. Code Ann., Crim. Law § 4-303(a).

<sup>140</sup> Md. Code Ann., Crim. Law § 4-301.

<sup>141</sup> Md. Code Ann., Crim. Law § 4-303(b). Any individual who violates the provisions regulating assault pistols under Maryland law is criminally liable for a misdemeanor. Md. Code Ann., Crim. Law § 4-306(a). The penalty rises to a felony if the assault pistol is used in a felony or a crime of violence. Md. Code Ann., Crim. Law § 4-306(b).

## Large Capacity Ammunition Magazines

In Maryland, no person may manufacture, sell, offer for sale, purchase, receive or transfer a detachable magazine that has a capacity of more than 20 rounds of ammunition.<sup>142</sup>

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

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<sup>142</sup> Md. Code Ann., Crim. Law § 4-305(b).

## **Fifty Caliber Rifles**

Maryland regulates the 50 caliber rifle, including the “Barrett light .50 cal. semi-auto” in the list of assault weapons defined as “regulated firearms.”<sup>143</sup> Transfers of regulated firearms are subject to enhanced background checks, minimum age restrictions and waiting periods. Moreover, firearms dealers and private/secondary sellers must comply with additional regulations when transferring a regulated firearm, and purchasers are limited to the purchase of one regulated firearm per month.

See [\*Regulating Guns in America: Fifty Caliber Rifles\*](#) for a comprehensive discussion of this issue.

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<sup>143</sup> Md. Code Ann., Pub. Safety § 5-101(p)(2)(ix).

## Machine Guns/Automatic Firearms

Maryland requires that any person possessing a machine gun register his or her gun with the Secretary of Maryland State Police (“DSP”) within 24 hours of acquiring the machine gun, and annually thereafter.<sup>144</sup> Registration applications must contain the:

- Make, model, serial number, caliber, type, barrel length, finish, and country of origin of the machine gun;
- Name, address, race, gender, date of birth, Maryland driver’s license number, and occupation of the person in possession of the machine gun; and
- Name of the person from whom the machine gun was acquired and the purpose for acquiring the machine gun.<sup>145</sup>

Manufacturers of machine guns also must keep a register of each machine gun manufactured or handled by the manufacturer.<sup>146</sup> This register must contain the:

- Method of manufacture and serial number of the machine gun;
- Date of manufacture, sale, loan, gift, delivery, and receipt of the machine gun from the manufacturer; and
- 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.<sup>147</sup>

A manufacturer of a machine gun must allow a marshal, sheriff, or police officer to inspect the manufacturer’s entire stock of machine guns, parts, and supplies, including the register, on demand.<sup>148</sup>

A court may issue a warrant to search for and seize a machine gun possessed in violation of Maryland criminal law under the same procedure as for issuance of a warrant for stolen property.<sup>149</sup> Moreover, a court may order, at the request of the State’s Attorney, the confiscation or destruction of a legally seized machine gun or the transfer of the machine gun to a Maryland peace officer or political subdivision.<sup>150</sup>

See [LCAV’s policy page on Machine Guns](#) for further information.

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<sup>144</sup> Md. Code Ann., Crim. Law § 4-403(c)(1).

<sup>145</sup> Md. Code Ann., Crim. Law § 4-403(c)(3).

<sup>146</sup> Md. Code Ann., Crim. Law § 4-403(a)(1).

<sup>147</sup> Md. Code Ann., Crim. Law § 4-403(a)(2).

<sup>148</sup> Md. Code Ann., Crim. Law § 4-403(b)(1).

<sup>149</sup> Md. Code Ann., Crim. Law § 4-402(c)(1).

<sup>150</sup> Md. Code Ann., Crim. Law § 4-402(c)(2).

## **Non-Powder Guns**

Maryland has no laws regulating non-powder guns.

See [\*Regulating Guns in America: Non-Powder Guns\*](#) for a comprehensive discussion of this issue.

## **Ammunition Regulation**

### **Ammunition Sales Licensing/Regulation**

Maryland requires any person engaged in the business of “loading or reloading small arms ammunition” to obtain a license.<sup>151</sup> A license is also required for possession or storage of: 1) “smokeless powder for loading or reloading small arms ammunition;” or 2) “black powder for loading or reloading small arms ammunition.”<sup>152</sup> Exceptions are included for persons who handle small quantities of smokeless or black powder for personal use so long as powder is stored in the original shipping containers.<sup>153</sup> In addition, no person may possess or store explosives for use in firearms in “multifamily dwellings, apartments, dormitories, hotels, schools, other public buildings, or buildings or structures open for public use.”<sup>154</sup>

### **Minimum Age to Purchase/Possess**

In Maryland, no person may sell, rent or transfer ammunition solely designed for a handgun or assault weapon to a person under age 21.<sup>155</sup> No person may sell ammunition for any firearm to a person under age 18.<sup>156</sup>

The [federal prohibition on certain kinds of armor-piercing ammunition](#) also applies.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

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<sup>151</sup> Md. Code Ann., Pub. Safety § 11-105(b)(1).

<sup>152</sup> Md. Code Ann., Pub. Safety §§ 11-101, 11-105(d)(1).

<sup>153</sup> Md. Code Ann., Pub. Safety § 11-105(d)(1).

<sup>154</sup> Md. Code Ann., Pub. Safety § 11-105(d)(2). The State Fire Marshal may issue a permit for temporary possession of explosives for use in firearms in buildings or structures open for public use. Md. Code Ann., Pub. Safety § 11-105(d)(3).

<sup>155</sup> Md. Code Ann., Pub. Safety § 5-134(d)(1)(i).

<sup>156</sup> Md. Code Ann., Pub. Safety § 5-134(d)(2); Md. Code Ann., Crim. Law § 1-101(g).

## Crime Gun Investigation

### Microstamping/Ballistic Identification

In Maryland, any manufacturer that ships or transports a handgun to be sold, rented, or transferred in the state shall include in the box with the handgun, in a separate sealed container:

- A shell casing of a projectile discharged from that handgun; and
- Additional information that identifies the type of handgun and shell casing.<sup>157</sup>

Upon receipt of a handgun from the manufacturer, a firearms dealer shall confirm with the Maryland Department of State Police (“DSP”) that the manufacturer complied with the shell casing provisions.<sup>158</sup> When the handgun is sold, rented, or transferred, the dealer shall forward the sealed container to the DSP crime laboratory.<sup>159</sup> Once received, the DSP crime laboratory is required to enter the information in all pertinent databases to assist in the tracing of guns that are later stolen or used in crimes.<sup>160</sup>

Maryland has no laws specifically related to firearm microstamping.

See [\*Regulating Guns in America: Ballistic Identification\*](#) for a comprehensive discussion of this issue.

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<sup>157</sup> Md. Code Ann., Pub. Safety § 5-131(b).

<sup>158</sup> Md. Code Ann., Pub. Safety § 5-131(c)(1).

<sup>159</sup> Md. Code Ann., Pub. Safety § 5-131(c)(2).

<sup>160</sup> Md. Code Ann., Pub. Safety § 5-131(d).

## Trafficking

Maryland prohibits any person from knowingly or willfully participating in a [straw purchase](#) of a regulated firearm (handgun or assault weapon).<sup>161</sup> Moreover, the state prohibits any person from being a knowing participant in a straw purchase of a regulated firearm to a minor or other prohibited person.<sup>162</sup>

In addition, Maryland prohibits any person from possessing, selling or otherwise transferring stolen regulated firearm if the person knows or has reasonable cause to believe that the regulated firearm has been stolen.<sup>163</sup> The state also prohibits any person from transporting a regulated firearm into Maryland for the purpose of unlawfully selling or trafficking of the gun.<sup>164</sup> In addition, no person may knowingly participate in the illegal sale, rental, transfer, purchase, possession or receipt of a regulated firearm in violation of the Maryland Public Safety Code, Title 5, governing regulated firearms.<sup>165</sup>

The state proscribes the obliteration, removal, changing or alteration of a manufacturer's identification mark or number on a firearm.<sup>166</sup>

Persons may not knowingly provide false information or make a material misstatement in a firearm application or dealer's license application.<sup>167</sup>

Finally, Maryland firearms dealer applications contain the following warning: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than \$ 5,000 or both."<sup>168</sup>

See [LCAV's policy page on Firearms Trafficking](#) for further information.

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<sup>161</sup> Md. Code Ann., Pub. Safety § 5-136(b). See [Md. Code Regs. 29.03.01.24](#) for additional straw purchase-related prohibitions.

<sup>162</sup> Md. Code Ann., Pub. Safety § 5-141.

<sup>163</sup> Md. Code Ann., Pub. Safety § 5-138.

<sup>164</sup> Md. Code Ann., Pub. Safety § 5-140.

<sup>165</sup> Md. Code Ann., Pub. Safety § 5-143(a).

<sup>166</sup> Md. Code Ann., Pub. Safety § 5-142.

<sup>167</sup> Md. Code Ann., Pub. Safety § 5-139.

<sup>168</sup> Md. Code Ann., Pub. Safety § 5-107(c).

## State Links

[Bureau of Alcohol, Tobacco, Firearms & Explosives \(ATF\)—Baltimore Field Division \(DE, MD\)](#)

[CeaseFire Maryland](#)

[Maryland Attorney General](#)

[Maryland Handgun Roster Database](#)

[Maryland Network Against Domestic Violence](#)