SB 281 - MARYLAND FIREARMS SAFETY ACT OF 2013
FREQUENTLY ASKED QUESTIONS (FAQs)

This document is constantly being revised. Please check back for changes and new information.

If you have specific questions concerning the new law, you may send them to the AGC at SB 281 FAQs, we will endeavor to obtain the correct answers from either the Maryland State Police or the Maryland Attorney General. Your privacy will be protected; no information regarding you will be shared with anyone.

When does the law go into effect?
The major provisions of the law dealing with the prohibition against future purchase, sale and transfer of certain types of firearms and magazines go into effect October 1, 2013.

What impact does the law have on firearms possessed prior to October 1, 2013?
For the most part, the law will have no impact on firearms and magazines purchased or possessed prior to October 1, 2013; however, one’s own criminal actions or mental health status may result in the seizure of all of one’s firearms (even those owned prior to October 1, 2013) by the Maryland State Police.

Exactly what does the new law mean when it says “assault long guns,” “copycat weapons,” and “assault weapons”?
There are some very important distinctions between the three phrases that could have serious ramifications if confused:

ALG’s—The section governing so-called “assault long guns” converts an existing section of Maryland law that lists 45 specific makes and models of firearms from their status as regulated firearms into banned firearms.

CW’s—The section governing “copycat weapons” is the legislative way of future-proofing the provisions of the law. To prevent yearly revisions to the list of 45 assault long guns due to new firearms coming to market or changes to existing models, the law bans any firearms that possess certain features, regardless of what they are named or who makes them.

AW’s—“Assault weapons” is simply the phrase used in the law when describing the entire set of banned firearms, including assault long guns, copycat weapons, and the assault pistols. Note: The purchase, sale, and transfer of so-called assault pistols was banned in 1994.
I am a current resident of Maryland. Do I need to register any of the firearms I already possess with the Maryland State Police after October 1, 2013?

No, the provisions regarding registration of regulated firearms that were possessed prior to October 1, 2013 were removed before the bill became law.

I am planning to move to Maryland after October 1, 2013. Do I need to register any of the firearms I already possess with the Maryland State Police?

Yes, anyone moving into Maryland has 90 days after establishing residency to register all regulated firearms (handguns, assault rifles and assault shotguns) with the Maryland State Police and to pay a total registration fee of $15—regardless of the number of firearms registered.

What happens if I bought and paid for my firearm before October 1, 2013, but I will not receive the firearm for many weeks or even months after the effective date of the law?

The answer depends on what type of firearm you have purchased:

ALG’s/CW’s—As long as you have in your possession a valid purchase order for your assault long gun or copycat weapon dated before October 1, 2013, you will be able to acquire the firearm when it ships to the licensed firearm dealer and maintain possession of it, subject to the other provisions of the law.

Handguns—in order to receive a handgun that was purchased prior to October 1, 2013 but was not available until after that date, you will need to go through the various procedures to apply for and obtain a handgun qualification license (HQL). The new law makes it clear that, after the effective date of the law, a licensed firearm dealer may not transfer a handgun to someone who does not possess a valid HQL or an acceptable substitute.

How long will it take the Maryland State Police to validate all of the requirements for an HQL and begin issuing licenses to the applicants?

Unfortunately, at this time no one involved is able or willing to make an estimate as to how long it will take from October 1, 2013 until the first HQL applications are processed. That timeline ultimately depends on the resources and the personnel assigned to the task by the Maryland State Police, in addition to the sheer number of applications that will be submitted after October 1, 2013.

How will the provisions in the new law impact private sales of these kinds of banned firearms?

The new law makes it clear that, with few exceptions, no one after October 1, 2013 may possess, sell, offer to sell, transfer, purchase, or receive an assault weapon. You cannot directly sell any grandfathered firearms to another private citizen in Maryland, and there are no provisions to use a licensed firearm dealer as a middle man for a sale.

However, you may sell or transfer a firearm to a citizen of another state provided the sale and transfer is done through a licensed dealer as provided by Federal law.

I've heard the background check is only supposed to take a week, but I have not received any word back from the Maryland State Police for almost two months now. The licensed firearm dealer has told me that my firearm has arrived. Can I just go and pick it up from them without final word from the Maryland State Police?

By law, licensed firearm dealers are allowed to release firearms to their purchasers if they have not heard back from the Maryland State Police by the time the 7-day background check window has passed.
I've seen a lot in the news lately about people being robbed and homes being burglarized after anti-gun web sites published personal information of gun owners from other states, and I'm concerned that something similar could happen here in Maryland. Is there anything in this law that helps guard against that?

Yes, there is a provision in the law that requires all state records of firearm transfers, carry permits, handgun qualification licenses, etc. are to be kept private and subject to inspection only by the individual involved or that individual's attorney.

My home was just burglarized, and the thief stole my firearm from its safe. What duties do I have?

The law requires the owner of a regulated firearm to report its loss or theft to local law enforcement within 72 hours after first discovering the loss or theft. If you knowingly and willfully fail to report the theft or loss, you are subject to a $500 fine on the first offense and up to 90 days in jail plus a $500 fine for subsequent offenses.

I already own several magazines with a maximum capacity of 20 rounds—magazines now considered “high-capacity” and banned under the new law. Do I need to get rid of these magazines by October 1, 2013 and buy all new, 10-round magazines?

No, the law itself does not make mere possession of so-called “high-capacity magazines” a crime. The language used prohibits manufacturing, selling, offering for sale, purchasing, receiving, or transferring a magazine with a capacity of more than 10 rounds of ammunition. Any high-capacity magazines you currently possess will remain legal but, with very limited exceptions, you will not be able to transfer them to another Maryland resident.

What about if I am planning to buy a high-capacity magazine before October 1, 2013 but the dealer says it won't be in stock until after that date? Can I still obtain the magazine?

There is no language in the law allowing licensed firearm dealers from clearing out their remaining inventory by selling high-capacity magazines to Maryland residents after October 1, 2013. If you intend to buy a high-capacity magazine, you should make sure that it will arrive by October 1, 2013, or you will not be legally allowed to take possession of it from the licensed firearm dealer after October 1, 2013.

I heard there is some kind of prohibition in the new law against possession of ammunition if you're also prohibited from possessing a regulated firearm. Does this mean that my minor child can no longer hunt?

While that ammunition prohibition does exist in the new law, it is limited in scope to various mental health reasons or criminal actions. It does not include the section requiring a person to be at least 21 years old to possess a regulated firearm. Nothing in the new law affects the ability of minors to possess ammunition, except in certain situations where a specific minor would be disqualified due to one or more of the aforementioned mental health reasons or his/her criminal actions.

I use ammunition that the new law classifies as “restricted firearm ammunition” while I am hunting. If I keep using that ammunition, will I be breaking the law?

Not unless you are using the ammunition during the commission of a crime of violence. Mere possession of “restricted firearm ammunition,” which includes bullets with cores made from tungsten alloys, steel, iron, brass, beryllium copper, depleted uranium, or similar materials, is not criminalized by the new law. If you do use that kind of ammunition during the commission of a crime of violence, however, you could be charged with a misdemeanor and face up to 5 years in prison, a $5,000 fine, or both.
I'm a law enforcement officer, and I have to come right from my job to watch my child’s sporting events. It doesn’t seem like the new law will let me carry my service weapon with me to the events, and I don’t want to leave it in my vehicle. What can I do?

There is an exception in the new law that allows off-duty law enforcement officers who are on public school property for a valid purpose to carry their service weapon with them, provided that they display their badge or credentials and keep the weapon concealed.

As a licensed firearm dealer, I'm going to be losing a lot of business thanks to this new law. Can I still engage in sales or repairs with people or dealers in other states even after the law goes into effect on October 1, 2013?

Yes, the law allows licensed firearm dealers in Maryland to continue the same business dealings with out-of-state people or dealers that they can engage in presently, even after October 1, 2013. Specifically, licensed firearm dealers will still be able to possess, import, manufacture, receive for manufacture, ship for manufacture, store, purchase, sell, or transport any so-called “assault weapons,” provided that they are performing the work for a law enforcement unit or personnel, for an out-of-state purchaser or dealer, or for an out-of-state warranty or repair.

I’m about to be involuntarily committed to a mental health facility, and the hearing officer has deemed me to be a danger to others. Is there a way I can transfer my firearms to, say, a consignment shop, so that I might be able to recover them if I am re-qualified to possess firearms in the future?

No, the law requires the hearing officer in such cases to order the individual to surrender any and all firearms in the individual's possession to law enforcement. There are no exceptions for transfers to family members or friends, and the individual cannot sell or consign the firearms before law enforcement confiscates them. In addition, there is no procedure in place to allow the individual to get the firearms back from law enforcement should he/she be re-qualified to possess firearms in the future.

After October 1, 2013, will I still be able to bequeath my assault weapons and high-capacity magazines to specific individuals through my will?

Yes, the law carves out an exemption for the transfer of assault weapons and any detachable magazines (even if they would be considered “high-capacity” under the new law) when the transfer is made as the result of an inheritance from a decedent’s estate. Note, however, that in order to be a valid inheritance, not only must the decedent have lawfully possessed the assault weapon or magazine, but the person inheriting the item must not be disqualified from possessing a regulated firearm. The law also maintains the provision that allows the personal representative of an estate to take possession of an assault weapon or detachable magazine for the purposes of distributing it to the appropriate recipient.

What are the exceptions to the handgun qualification license requirement?

In order to be able to purchase, rent, or receive a handgun without first obtaining an HQL, you must possess valid active-duty or retirement credentials from a law enforcement agency, be an active-duty or retired member of the armed forces or the National Guard with valid military ID, or be purchasing an antique, curio, or relic firearm as defined by the Bureau of Alcohol, Tobacco, and Firearms.
What do I have to go through to obtain a handgun qualification license?
In order to obtain an HQL, you must be at least 21 years old and a resident of Maryland. You must also (with limited exceptions) show that you have demonstrated a firearms safety training course that includes 4 hours of classroom instruction on state firearm law, home firearm safety, and handgun mechanisms/operation, as well as an orientation component that demonstrates your safe operation and handling of a firearm. You will need to submit a complete set of fingerprints for a criminal records background check, along with the necessary application and a $50 application fee. Within 30 days of submission, you will receive your HQL or be notified of why your application was rejected.

Do I need to provide photographs with my handgun qualification license?
No, the Maryland State Police will download your photograph from the Motor Vehicle Administration database.

How do I pay for the Handgun Qualification License?
The law is silent on this. However, the Maryland State Police indicated that only credit cards and bank cards will be accepted. No cash or checks.

Is the handgun qualification license good forever?
No, you will need to renew your HQL every 10 years. The approval will be guaranteed so long as you continue to possess the qualifications for the issuance of the HQL, and you include the $20 renewal fee. You will not need to complete the training course or submit to the criminal records background check again as part of the renewal process.

How exactly does the new law expand the disqualifications on firearm possession due to an individual’s mental health status or criminal actions?
There are two expansions of these disqualifications included in the law:

*Regulated Firearms*—The first section expands the situations that would disqualify an individual from possessing a regulated firearm to include those found incompetent to stand trial, those found not criminally responsible in a trial, those who have been voluntarily admitted to a mental health facility for more than 30 consecutive days, those who have ever been involuntarily committed to a mental health facility, those who are under the guardianship of another as a result of a mental disability, those with a non-ex parte civil protective order entered against them—either from Maryland or another state/Native American tribe.

*Rifles/Shotguns*—The second expansion takes all of the current disqualifiers, combines them with the new disqualifiers listed in the regulated firearms section, and applies them all to the possession of ordinary rifles and shotguns. In other words, if you meet a single one of the disqualifying criteria, you will no longer be able to own a handgun, an “assault weapon,” an ordinary rifle, or a shotgun.

If I am disqualified from firearm possession due to one of the mental health or criminal action criteria, is there anything I can do to restore my Second Amendment rights?
Yes, the new law requires Maryland’s Department of Health and Mental Hygiene to create a process by which a currently disqualified individual may petition the State for relief from that disqualification if they can demonstrate, according to the opinion of multiple, licensed mental health professionals, that they are no longer pose a danger to themselves or others and so should be once again allowed to possess a firearm as per Maryland law.