

# SENATE BILL 728

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By: **Senators Jacobs, Brinkley, Colburn, Getty, Glassman, and Kittleman**  
Introduced and read first time: January 31, 2014  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Licensed Firearms Dealers – Background Checks**

3 FOR the purpose of authorizing, before a certain date, a certain licensed firearm  
4 dealer to conditionally sell, rent, or transfer a firearm to a firearm applicant  
5 under certain circumstances; prohibiting the licensee from selling, renting, or  
6 transferring the firearm under certain circumstances; requiring the licensee to  
7 make certain notifications under certain circumstances; authorizing a law  
8 enforcement agency to confiscate a certain firearm under certain circumstances;  
9 providing for the termination of this Act; and generally relating to licensed  
10 firearm dealers.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That:

13 (a) Notwithstanding any provision of Title 5 of the Public Safety Article,  
14 before October 1, 2016, a licensee, as defined in § 5–101 of the Public Safety Article,  
15 that has not received a written notice from the Secretary of State Police as described  
16 in § 5–123 of the Public Safety Article within 7 days of a firearm application, may  
17 conditionally sell, rent, or transfer a firearm to the applicant if the licensee has:

18 (1) requested a National Instant Criminal Background (NICS) check  
19 on the applicant by telephone or electronically with the descriptive information  
20 provided on the ATF Form 4473;

21 (2) received a “proceed” or “not disapproved” response from the NICS  
22 check on the applicant; and

23 (3) recorded the NICS Transaction Number on the ATF Form 4473.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (b)    A licensee that receives a “delay” or “disapproved” response to the NICS  
2 application may not sell, rent, or transfer a firearm to the applicant unless the licensee  
3 subsequently receives an approval of the application from the Secretary.

4           (c)    On receipt of notice that the Secretary has approved the application, the  
5 licensee shall notify the applicant that the conditional sale, rental, or transfer is final.

6           (d)    (1)   If, after a conditional sale, rental, or transfer of a firearm, the  
7 licensee receives notice that the Secretary has disapproved the application, the  
8 licensee shall promptly notify the applicant that, unless the applicant returns the  
9 firearm to the licensee within 10 days, the licensee will notify the Secretary.

10           (2)    The licensee shall notify the Secretary of the failure of an applicant  
11 to return a firearm after the time period provided in this subsection.

12           (3)    A law enforcement agency may confiscate a firearm that is not  
13 returned to a licensee as described in this subsection.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2014. It shall remain effective for a period of 2 years and, at the end of  
16 September 30, 2016, with no further action required by the General Assembly, this Act  
17 shall be abrogated and of no further force and effect.