

HOUSE BILL 810

E1

(4lr2369)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **The Speaker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – ~~Weapon Crimes~~ Rapid-Fire Activator – Switch/Auto-Sear**

3 FOR the purpose of ~~authorizing a law enforcement unit to seize as contraband and dispose~~
4 ~~of a certain switch/auto sear in a certain manner; prohibiting a person from~~
5 ~~transporting a switch/auto sear into the State or manufacturing, possessing, selling,~~
6 ~~offering to sell, transferring, purchasing, or receiving a switch/auto sear; applying~~
7 ~~certain penalties to a person who uses a switch/auto sear in the commission of a~~
8 ~~felony or a certain crime of violence~~ altering the term “rapid fire trigger activator” to
9 be “rapid fire activator”; adding “switch/auto-sear” to the definition of “rapid fire
10 activator” for the purposes of certain prohibitions on rapid fire activators; and
11 generally relating to weapon crimes.

12 BY repealing and reenacting, with amendments,

13 Article – Criminal Law

14 Section 4-301, ~~4-304~~ 4-305.1, and 4-306

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2021 Replacement Volume and 2023 Supplement)

3 ~~BY adding to~~
4 ~~Article – Criminal Law~~
5 ~~Section 4–305.2~~
6 ~~Annotated Code of Maryland~~
7 ~~(2021 Replacement Volume and 2023 Supplement)~~

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

10 **Article – Criminal Law**

11 4–301.

12 (a) In this subtitle the following words have the meanings indicated.

13 (b) “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the
14 Public Safety Article.

15 (c) “Assault pistol” means any of the following firearms or a copy regardless of
16 the producer or manufacturer:

17 (1) AA Arms AP–9 semiautomatic pistol;

18 (2) Bushmaster semiautomatic pistol;

19 (3) Claridge HI–TEC semiautomatic pistol;

20 (4) D Max Industries semiautomatic pistol;

21 (5) Encom MK–IV, MP–9, or MP–45 semiautomatic pistol;

22 (6) Heckler and Koch semiautomatic SP–89 pistol;

23 (7) Holmes MP–83 semiautomatic pistol;

24 (8) Ingram MAC 10/11 semiautomatic pistol and variations including the
25 Partisan Avenger and the SWD Cobray;

26 (9) Intratec TEC–9/DC–9 semiautomatic pistol in any centerfire variation;

27 (10) P.A.W.S. type semiautomatic pistol;

28 (11) Skorpion semiautomatic pistol;

1 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

2 (13) UZI semiautomatic pistol;

3 (14) Weaver Arms semiautomatic Nighthawk pistol; or

4 (15) Wilkinson semiautomatic "Linda" pistol.

5 (d) "Assault weapon" means:

6 (1) an assault long gun;

7 (2) an assault pistol; or

8 (3) a copycat weapon.

9 (e) "Binary trigger system" means a device that, when installed in or attached to
10 a firearm, fires both when the trigger is pulled and on release of the trigger.

11 (f) "Bump stock" means a device that, when installed in or attached to a firearm,
12 increases the rate of fire of the firearm by using energy from the recoil of the firearm to
13 generate a reciprocating action that facilitates repeated activation of the trigger.

14 (g) "Burst trigger system" means a device that, when installed in or attached to a
15 firearm, allows the firearm to discharge two or more shots with a single pull of the trigger
16 by altering the trigger reset.

17 (h) (1) "Copycat weapon" means:

18 (i) a semiautomatic centerfire rifle that can accept a detachable
19 magazine and has any two of the following:

20 1. a folding stock;

21 2. a grenade launcher or flare launcher; or

22 3. a flash suppressor;

23 (ii) a semiautomatic centerfire rifle that has a fixed magazine with
24 the capacity to accept more than 10 rounds;

25 (iii) a semiautomatic centerfire rifle that has an overall length of less
26 than 29 inches;

27 (iv) a semiautomatic pistol with a fixed magazine that can accept
28 more than 10 rounds;

1 (v) a semiautomatic shotgun that has a folding stock; or

2 (vi) a shotgun with a revolving cylinder.

3 (2) “Copycat weapon” does not include an assault long gun or an assault
4 pistol.

5 (i) “Detachable magazine” means an ammunition feeding device that can be
6 removed readily from a firearm without requiring disassembly of the firearm action or
7 without the use of a tool, including a bullet or cartridge.

8 (j) “Flash suppressor” means a device that functions, or is intended to function,
9 to perceptibly reduce or redirect muzzle flash from the shooter’s field of vision.

10 (k) “Hellfire trigger” means a device that, when installed in or attached to a
11 firearm, disengages the trigger return spring when the trigger is pulled.

12 (l) “Licensed firearms dealer” means a person who holds a dealer’s license under
13 Title 5, Subtitle 1 of the Public Safety Article.

14 (m) (1) “Rapid fire ~~trigger~~ activator” means any device, including a removable
15 manual or power-driven activating device, constructed so that, when installed in or
16 attached to a firearm:

17 (i) the rate at which the trigger is activated increases; or

18 (ii) the rate of fire increases.

19 (2) “Rapid fire ~~trigger~~ activator” includes a bump stock, trigger crank,
20 hellfire trigger, binary trigger system, burst trigger system, SWITCH/AUTO-SEAR, or a
21 copy or a similar device, regardless of the producer or manufacturer.

22 (3) “Rapid fire ~~trigger~~ activator” does not include a semiautomatic
23 replacement trigger that improves the performance and functionality over the stock trigger.

24 (N) **“SWITCH/AUTO-SEAR” MEANS A DEVICE THAT IS DESIGNED AND**
25 **INTENDED FOR USE IN CONVERTING A FIREARM INTO A WEAPON THAT SHOOTS, IS**
26 **DESIGNED TO SHOOT, OR CAN BE READILY RESTORED TO SHOOT AUTOMATICALLY**
27 **MORE THAN ONE SHOT, WITHOUT MANUAL RELOADING, BY A SINGLE FUNCTION OF**
28 **THE TRIGGER APPLIES FORCE TO A FIREARM’S TRIGGER BAR TO PREVENT IT FROM**
29 **LIMITING THE WEAPON TO FIRING ONLY ONE ROUND EACH TIME THE TRIGGER IS**
30 **DEPRESSED.**

31 [(n)] (O) “Trigger crank” means a device that, when installed in or attached to a
32 firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever,
33 or any other part that is turned in a circular motion.

1 ~~4-304.~~

2 ~~A law enforcement unit may seize as contraband and dispose of according to~~
3 ~~regulation an assault weapon OR A SWITCH/AUTO SEAR transported, sold, transferred,~~
4 ~~purchased, received, or possessed in violation of this subtitle.~~

5 ~~4-305.2.~~

6 ~~A PERSON MAY NOT:~~

7 ~~(1) TRANSPORT A SWITCH/AUTO SEAR INTO THE STATE; OR~~

8 ~~(2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER,~~
9 ~~PURCHASE, OR RECEIVE A SWITCH/AUTO SEAR.~~

10 4-305.1.

11 (a) Except as provided in subsection (b) of this section, a person may not:

12 (1) transport a rapid fire [trigger] activator into the State; or

13 (2) manufacture, possess, sell, offer to sell, transfer, purchase, or receive a
14 rapid fire [trigger] activator.

15 (b) This section does not apply to the possession of a rapid fire [trigger] activator
16 by a person who:

17 (1) possessed the rapid fire [trigger] activator before October 1, 2018;

18 (2) applied to the federal Bureau of Alcohol, Tobacco, Firearms and
19 Explosives before October 1, 2018, for authorization to possess a rapid fire [trigger]
20 activator;

21 (3) received authorization to possess a rapid fire [trigger] activator from
22 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives before October 1, 2019;
23 and

24 (4) is in compliance with all federal requirements for possession of a rapid
25 fire [trigger] activator.

26 (C) NOTHING IN THIS SECTION IS INTENDED TO PROHIBIT THE OTHERWISE
27 LAWFUL POSSESSION OF A PART OR COMBINATION OF PARTS BY:

1 **(1) A POLICE OFFICER OR OTHER PERSON EMPLOYED BY A LAW**
 2 **ENFORCEMENT AGENCY UNDER CIRCUMSTANCES IN WHICH THE OFFICER OR OTHER**
 3 **PERSON POSSESSES THE PART OR PARTS IN ACCORDANCE WITH AUTHORIZATION**
 4 **GIVEN BY THE LAW ENFORCEMENT AGENCY; OR**

5 **(2) A PERSON WHO HAS REGISTERED A MACHINE GUN WITH THE**
 6 **SECRETARY OF STATE POLICE UNDER § 4-403 OF THIS TITLE IF THE PART OR PARTS**
 7 **ARE POSSESSED FOR USE IN ONLY, AND NECESSARY FOR THE PROPER FUNCTION OF,**
 8 **A MACHINE GUN THAT IS CURRENTLY REGISTERED BY THE PERSON UNDER § 4-403**
 9 **OF THIS TITLE.**

10 4-306.

11 (a) Except as otherwise provided in this subtitle, a person who violates this
 12 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not
 13 exceeding 3 years or a fine not exceeding \$5,000 or both.

14 (b) (1) A person who uses an assault weapon, a rapid fire ~~trigger~~ activator, ~~A~~
 15 ~~SWITCH/AUTO SEAR,~~ or a magazine that has a capacity of more than 10 rounds of
 16 ammunition, in the commission of a felony or a crime of violence as defined in § 5-101 of
 17 the Public Safety Article is guilty of a misdemeanor and on conviction, in addition to any
 18 other sentence imposed for the felony or crime of violence, shall be sentenced under this
 19 subsection.

20 (2) (i) For a first violation, the person shall be sentenced to
 21 imprisonment for not less than 5 years and not exceeding 20 years.

22 (ii) The court may not impose less than the minimum sentence of 5
 23 years.

24 (iii) The mandatory minimum sentence of 5 years may not be
 25 suspended.

26 (iv) Except as otherwise provided in § 4-305 of the Correctional
 27 Services Article, the person is not eligible for parole in less than 5 years.

28 (3) (i) For each subsequent violation, the person shall be sentenced to
 29 imprisonment for not less than 10 years and not exceeding 20 years.

30 (ii) The court may not impose less than the minimum sentence of 10
 31 years.

32 (iii) A sentence imposed under this paragraph shall be consecutive to
 33 and not concurrent with any other sentence imposed for the felony or crime of violence.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.