

# SENATE BILL 1097

E4

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By: **Senator Smith**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Gun Buyback Programs – Destruction of Firearms**

3 FOR the purpose of requiring a person or entity operating a gun buyback program to  
4 destroy a firearm, including all components and parts attached to the firearm, that  
5 is traded in at a certain gun buyback program; authorizing a certain person or entity  
6 to contract with a law enforcement agency, an organization, or a business to destroy  
7 certain firearms; requiring the Secretary of State Police to revoke a certain person's  
8 dealer's license if the person violates the provisions of this Act; and generally relating  
9 to gun buyback programs.

10 BY repealing and reenacting, with amendments,  
11 Article – Public Safety  
12 Section 5–114(b)  
13 Annotated Code of Maryland  
14 (2022 Replacement Volume and 2023 Supplement)

15 BY adding to  
16 Article – Public Safety  
17 Section 5–901 and 5–902 to be under the new subtitle “Subtitle 9. Gun Buyback  
18 Programs”  
19 Annotated Code of Maryland  
20 (2022 Replacement Volume and 2023 Supplement)

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

23 **Article – Public Safety**

24 5–114.

25 (b) The Secretary shall revoke a dealer's license if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) it is discovered that false information has been supplied or false  
2 statements have been made in an application required by this subtitle; or

3 (2) the licensee:

4 (i) is convicted of a disqualifying crime;

5 (ii) is convicted of a violation classified as a common law crime and  
6 receives a term of imprisonment of more than 2 years;

7 (iii) is a fugitive from justice;

8 (iv) is a habitual drunkard;

9 (v) is addicted to a controlled dangerous substance or is a habitual  
10 user;

11 (vi) has spent more than 30 consecutive days in a medical institution  
12 for treatment of a mental disorder, unless the licensee produces a physician's certificate,  
13 issued after the last institutionalization and certifying that the licensee is capable of  
14 possessing a regulated firearm without undue danger to the licensee or to another;

15 (vii) has knowingly or willfully manufactured, offered to sell, or sold  
16 a handgun not on the handgun roster in violation of § 5-406 of this title;

17 (viii) has knowingly or willfully participated in a straw purchase of a  
18 regulated firearm;

19 (ix) is convicted of a crime under Subtitle 7 of this title; [or]

20 (x) is found in violation of a third or subsequent offense under §  
21 5-145.1 of this subtitle; **OR**

22 **(XI) VIOLATES SUBTITLE 9 OF THIS TITLE.**

23 **SUBTITLE 9. GUN BUYBACK PROGRAMS.**

24 **5-901.**

25 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
26 **INDICATED.**

27 **(B) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.**

28 **(C) "GUN BUYBACK PROGRAM" MEANS A PROGRAM THAT IS OPERATED BY**

1 A PUBLIC OR PRIVATE PERSON OR ENTITY THAT ALLOWS FIREARM OWNERS TO  
2 VOLUNTARILY TRADE IN THEIR FIREARMS FOR COMPENSATION.

3 (D) "SECRETARY" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.  
4 5-902.

5 (A) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A  
6 PERSON OR ENTITY OPERATING A GUN BUYBACK PROGRAM SHALL DESTROY A  
7 FIREARM, INCLUDING EVERY COMPONENT AND PART ATTACHED TO THE FIREARM,  
8 THAT IS TRADED IN AT A GUN BUYBACK PROGRAM.

9 (II) THE DESTRUCTION REQUIRED UNDER SUBPARAGRAPH (I)  
10 OF THIS PARAGRAPH SHALL MAKE THE FIREARM AND EVERY COMPONENT AND PART  
11 ATTACHED TO THE FIREARM PERMANENTLY INOPERABLE AND UNREPAIRABLE.

12 (2) A PERSON OR ENTITY MAY CONTRACT WITH A LAW ENFORCEMENT  
13 AGENCY, AN ORGANIZATION, OR A BUSINESS TO SATISFY THE REQUIREMENT UNDER  
14 PARAGRAPH (1) OF THIS SUBSECTION.

15 (B) A PERSON OR ENTITY THAT VIOLATES THIS SECTION IS SUBJECT TO A  
16 FINE NOT EXCEEDING \$10,000 PER VIOLATION.

17 (C) IF A PERSON VIOLATES THIS SECTION AND THE PERSON HOLDS A  
18 DEALER'S LICENSE UNDER § 5-106 OF THIS TITLE:

19 (1) THE PERSON SHALL BE SUBJECT TO THE PENALTY PROVIDED IN  
20 SUBSECTION (B) OF THIS SECTION; AND

21 (2) THE SECRETARY SHALL REVOKE THE PERSON'S DEALER'S  
22 LICENSE IN ACCORDANCE WITH § 5-114 OF THIS TITLE.

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