



MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR

STATE OF MARYLAND
MARYLAND STATE POLICE
Licensing Division
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Pikesville, Maryland 21208
410-653-4500



COLONEL
MARCUS L. BROWN
SUPERINTENDENT

September 24, 2014

Rignal W. Baldwin V, Esquire
One South Street
Suite 2600
Baltimore MD 21202-3201

Dear Mr. Baldwin:

The Maryland State Police received your letter of August 19, 2014, in which you argued that "short-barreled rifles" are "handguns" under Maryland's firearms laws and cannot be considered "rifles" for purposes of the State's assault weapons law. It is the position of the Maryland State Police that "short-barreled rifles," while included within the definition of "handgun" for purposes of Maryland's regulated firearms law (Public Safety Article ("PS"), Title 5, Subtitle 1), Handgun Roster Board law (PS, Title 5, Subtitle 4) and handgun carry law (Criminal Law Article ("CR"), § 4-203), nonetheless are "rifles" and so are subject to restrictions on the transportation, possession, sale, transfer and receipt of "copycat weapons."

"Short-barreled rifle" is defined in CR § 4-201(f) to mean a "rifle" with one or more barrels of less than 16 inches, or a weapon with an overall length of less than 26 inches that was made from a "rifle." "Rifle" is defined in CR § 4-201(e) to mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and that fires a single, fixed round for each pull of the trigger. By nomenclature ("short-barreled rifle") and definition (which expressly states it is a "rifle"), a "short-barreled rifle" is a "rifle."

CR § 4-301(e)(1)(iii) defines "copycat weapons," which are subject to the limitations on sale and possession of "assault weapons" under CR § 4-303, to include "a semiautomatic, centerfire rifle that has an overall length of less than 29 inches." A short-barreled rifle that fires centerfire ammunition, and that has an overall length of less than 29 inches, meets the definition of "copycat weapon" in CR § 4-301(e)(1)(iii).

It is true that "short-barreled rifle" is included in the definition of the term "handgun" in PS § 5-101(n)(1), PS § 5-401(c) and CR § 4-201(c)(2). Because of the inclusion of "short-barreled rifle" in the definition of "handgun" in those statutes, short-barreled rifles are "regulated firearms" subject to the requirements of PS Title 5, Subtitle 1; must be approved by the Handgun Roster Board before sale or manufacture in Maryland; and, are subject to the restrictions on the wearing, carrying and transportation of handguns under CR § 4-201. However, the inclusion of "short-barreled rifle" in these definitions of "handgun" does not alter the fact that a "short-barreled rifle" is a "rifle."

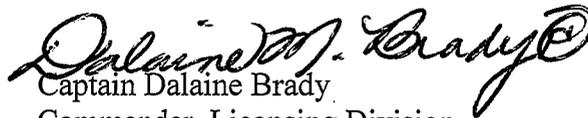
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As indicated in my May 15, 2014 letter to Mr. Andrew Raymond, of Engage Armament LLC, because "short-barreled rifle" is included in the definition of "handgun" in PS § 5-101(n)(1), a short-barreled rifle that is one of the rifles (or a copy of one of the rifles) listed in PS § 5-101(r)(2) would not be considered by the Maryland State Police to be an "assault long gun." However, a semiautomatic rifle, whether short-barreled or not, that has an overall length of less than 29 inches, does fall within the separate definition of "copycat weapon." Any semiautomatic rifle, including a "short-barreled rifle," with an overall length of less than 29 inches, is a "copycat weapon" and, accordingly, is subject to the restrictions on transportation, possession, sale, transfer and receipt of "assault weapons" set forth in CR Title 4, Subtitle 3.

Thank you for your correspondence and for the opportunity to clarify the Department's position. Should you require any further information or assistance, please feel free to contact me, either by telephone at 410-653-4502, or by email at dalaine.brady@maryland.gov.

Sincerely,


Captain Dalaine Brady
Commander, Licensing Division
Maryland State Police

DMB:cmh

cc: Mark Bowen, Esquire
Assistant Attorney General