



STATE OF MARYLAND
 MARYLAND STATE POLICE



PARRIS N. GLENDENING
 GOVERNOR

Licensing Division
 7751 Washington Boulevard
 Jessup, Maryland 20794
 (410) 799-0191

COLONEL DAVID B. MITCHELL
 SUPERINTENDENT

KATHLEEN KENNEDY TOWNSEND
 LT. GOVERNOR

November 20, 1996

FIREARMS BULLETIN #96-1

TO: ALL MARYLAND REGULATED FIREARMS DEALERS

SUBJECT: ENACTMENT OF MARYLAND GUN VIOLENCE ACT OF 1996

The purpose of this bulletin is to educate and explain established policies and procedures resulting from the enactment of the Maryland Gun Violence Act of 1996. Additionally, this bulletin will update the assault weapons list.

Effective October 1, 1996, "Assault Weapon" means any of the following specific firearms or their copies regardless of which company produced and manufactured that firearm:

- (1) American Arms Spectre DA semiautomatic carbine;
- (2) ~~AK-47~~ ~~is all forms~~; including, but not limited to
 Kalashnikov-USSR AK-47
 Chinese Communist Arsenal AK-47
 Norinco 84SAK
 Polytech AKS47S
 Polytech AKS762
 American Arms AKY39
 American Arms AKF39
 American Arms AKC47
 Mitchell AK-47
 Mitchell M-76
 Kassnar AK-47
 MAK-90 and NEM-91;
- (3) Algimec AGM-1 type semi-automatics;
- (4) AR 100 type semi-automatics;
- (5) AR 180 type semi-automatics;
- (6) Argentine L.S.R. semi-automatics;
- (7) Australian Automatic Arms SAR type semi-automatics;
- (8) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- (9) Barrett light .50 caliber semi-automatic;
- (10) Beretta AR70 type semi-automatic;
- (11) Bushmaster semi-automatic rifle
- (12) Calico models M-100, M-105, and M-900;
- (13) CIS SR 88 type semi-automatic;
- (14) Claridge Hi Tec C-9 carbine;

"Maryland's Finest"

- (15) Colt AR-15, CAR-15, and all imitations except Colt AR-15 sporter H-bar rifle;
Eagle Arms EA-15
- (16) Daewoo MAX 1 and MAX 2, AKA AR 100, 110C, K-1 and K-2;
- (17) Dragunov Chinese made semi-automatics;
- (18) FAMAS semi-automatic, caliber .223
- (19) Feather AT-9 semi-automatic;
- (20) FN LAR and FN FAL assault rifle;
- (21) FNC semi-automatic type carbine;
- (22) F.I.E./Franchi LAW 12 and SPAS 12 assault shotguns;
- (23) Steyr-Aug-SA semi-automatic;
- (24) Galil models AR and ARM semi-automatics;
- (25) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- (26) Holmes model 88 shotgun;
- (27) Avtomat Kalashnikov semi-automatic rifle in any format;
- (28) Manchester Arms "Commando" MK-45 and MK-9;
- (29) Mandell TAC-1 semi-automatic carbine;
- (30) Mossberg Model 500 Bullpup assault shotgun;
- (31) Sterling MARK 6;
- (32) P.A.W.S. carbine;
- (33) Ruger Mini-14 with folding stock, .223 caliber;
- (34) SIG 550/551 assault rifle, .223 caliber
- (35) SKS with detachable magazine;
- (36) AP-74 Commando type semi-automatic;
- (37) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
- (38) Street Sweeper assault type shotgun;
- (39) Striker 12 assault shotgun in all formats;
- (40) Unique F11 semi-automatic;
- (41) Daewoo USAS 12 semi-automatic shotgun;
- (42) Uzi 9mm carbine or rifle;
- (43) Valmet M-76 and M-78 semi-automatics;

- (44) Weaver Arms "Nighthawk" semi-automatic carbine; or
- (45) Wilkinson Arms 9mm semi-automatic "Terry".

An applicant who desires to purchase any of the above listed firearms or their copies must complete the form 77R and go through the background investigation. ~~Some~~ version of these firearms in which the firearm does not meet the definition of an "Assault Weapon" as defined in Title 18, section 921(a)(30) of the United States Code, ~~and can be imported into the United States,~~ may be sold without a background investigation. An example of this is the ARSENAL SA 93, "sporter" version of an AK-47 without the bayonet lug or a flash suppressor.

STRAW PURCHASES

Any dealer who suspects an applicant of making a "straw purchase" should immediately notify the Licensing Division at (410) 799-0191 or the Cease Fire Unit at 1-800-492-8477 for further investigation. Any dealer who knowingly or willfully participates in a "straw purchase" will have their license suspended and will be subject to arrest and prosecution.

GIFTS OF REGULATED FIREARMS

A regulated firearm may be given as a gift to a spouse, parent, grandparent, grandchild, brother, sister, son, or daughter provided the recipient is a resident of Maryland. The purchaser of the gift may purchase a gift certificate for the regulated firearm. The recipient would be required to complete the MSP form 77R, go through the background investigation and the seven day waiting period or the purchaser can complete the application to purchase, rent or transfer a regulated firearm, pay the \$10 application fee, go through the background investigation and seven day waiting period and give the regulated firearm to the recipient. The recipient would be required to complete the application to purchase, rent, or transfer a regulated firearm within five days of receiving the gift and forward the application to the Secretary. In this case, the \$10 application fee is waived.

USE OF FACSIMILE MACHINE TO FORWARD APPLICATIONS

Effective October 1, 1996, a dealer may forward applications to purchase, rent, or transfer a regulated firearm, MSP form 77R, by use of a facsimile machine. The dealer must purchase a NOT DISAPPROVED stamp and a DATE stamp. When faxing the applications the dealer shall complete a Dealer Application Ledger (Fax Only), copy attached, and use it as the face sheet. The Licensing Division will verify the number of applications faxed by this ledger so it is imperative the information is complete and accurate. The Licensing Division will complete the background investigation on each of the applications forwarded and complete the STATUS section of the ledger with a code and fax the ledger to the dealer. The codes are as follows:

ND - NOT DISAPPROVED
PH - PLACED ON HOLD FOR AN OPEN DISPOSITION
DIS - DISAPPROVED

If an application is DISAPPROVED, the dealer must forward the white copy of the application to the Licensing Division immediately. If the application is PLACED ON HOLD for an open disposition of criminal proceedings against the applicant, the regulated firearm may not be transferred until the dealer is notified the applicant is cleared. If the applicant is NOT DISAPPROVED, the dealer shall stamp the application as NOT DISAPPROVED and date the application the same day he was notified. DO NOT STAMP THE APPLICATION AS NOT DISAPPROVED UNTIL YOU ARE NOTIFIED BY THE LICENSING DIVISION TO DO SO. At the end of the

month each dealer utilizing the fax machine will receive a bill for the number of applications forwarded. As required by law, the bill must be paid by the 15th of the next month. Failure to comply with any provision of the procedure shall result in the suspension of the dealer's fax privileges.

AN APPROVED APPLICATION IS VALID ONLY FOR THE PURCHASE, RENTAL, OR TRANSFER OF THE REGULATED FIREARM LISTED ON THE APPLICATION. If the applicant applies for a specific regulated firearm and later changes his mind, they must go through the entire process again, to include an additional \$10 application fee. It is imperative that you explain this to a prospective applicant prior to forwarding an application to the Licensing Division.

An application to purchase, rent, or transfer a regulated firearm is valid for 90 days from the date it was stamped as NOT DISAPPROVED. If you have an application in which the applicant did not receive the regulated firearm within 90 days, write VOID or INCOMPLETE SALE on the application and forward the application to the Licensing Division within seven days of that date.

ONE REGULATED FIREARM PURCHASE IN A 30-DAY PERIOD

Effective October 1, 1996, a person, with exceptions, may not purchase more than one regulated firearm in a 30-day period. A person may purchase more than one regulated firearm in a 30-day period under the following circumstances:

- (1) The purchase is for a private collection or is a collector's series;
- (2) The purchase is a bulk purchase from an estate sale;
- (3) The purchase of not more than two regulated firearms to take advantage of a dealer discount, but the purchaser would not be permitted to purchase another firearm for 60 days unless approved for a multiple purchase under item (1) or (2); or
- (4) Any other similar purpose.

The applicant must complete an application for multiple purchase of regulated firearms, MSP form 77M, stating the purpose of the multiple purchase and listing the number of regulated firearms to be purchased. The dealer must complete the application to purchase, rent, or transfer a regulated firearm, MSP form 77R, and the continued application to purchase a regulated firearm, MSP form 77, listing all regulated firearms to be purchased. Upon completion of all forms, the dealer shall forward them to the Licensing Division. The Licensing Division shall review the purpose of the multiple purchase of the regulated firearms and determine if the reason qualifies for one of the exceptions. If the applicant qualifies for one of the exceptions and the applicant is not prohibited from purchasing or possessing a regulated firearm, the application will be approved. If the purpose of the multiple purchase does not qualify for one of the exceptions and the application is disapproved, the applicant may purchase one regulated firearm provided they are not prohibited from purchasing or possessing a regulated firearm by law.

If an applicant applies to purchase a regulated firearm from one dealer and then goes to a second dealer and applies to purchase a second regulated firearm, the second application will be disapproved. If a person purchases a regulated firearm from you, they must wait at least 21 days from the date of transfer before applying to purchase another regulated firearm. The Licensing Division has already received several applications to purchase, rent, or transfer where the dealer transferred the regulated firearm on a specific date and then completed a form 77R to purchase another regulated firearm on the

same date and forwarded the application to the Licensing Division. It is the responsibility of the purchaser to ensure this does not occur, but it is imperative that a dealer ask the applicant if they have received a regulated firearm within the past 30 days. ~~It is not 30 days from the date of application, but 30 days from the date the regulated firearm was transferred to the purchaser.~~

SECONDARY SALES OF REGULATED FIREARMS

Effective October 1, 1996, any person who is not a licensed regulated firearms dealer, may not sell rent or transfer or purchase any regulated firearm until seven days have elapsed from the time an application to purchase, rent, or transfer has been completed in triplicate by the prospective transferor and the prospective purchaser and the original copy forwarded to the Licensing Division by a licensed regulated firearms dealer or designated law enforcement agency.

The prospective seller, regulated firearm to be sold, and prospective purchaser must go to a participating licensed regulated firearms dealer or a designated law enforcement agency to conduct the secondary sale. The dealer or designated law enforcement agency shall;

- (1) Ensure both parties are Maryland residents;
- (2) Review and verify the applicant information is correct;
- (3) Review and verify the seller information is correct;
- (4) Review and verify the regulated firearms information is correct;
- (5) Ensure the application is complete and legible;
- (6) Ensure the applicant understands the certification they are signing;
- (7) Ensure the applicant and seller sign Section 5 of the application;
- (8) Collect the \$10 application fee;
- (9) Sign and date the application as the reviewer; and
- (10) Forward the application, with the \$10 application fee attached, to the Licensing Division for processing.

A dealer who conducts a secondary sale of a regulated firearm may charge a processing fee not to exceed \$20. The dealer must forward the application by certified mail on the same day he conducted the secondary sale.

It is imperative that you explain to your customers that anytime they resell a regulated firearm, they must go through this process or they are subject to arrest and prosecution.

Effective October 1, 1996, any dealer who is indicted for a crime of violence or arrested for any violation of the regulated firearms laws that would prohibit a person from purchasing or possessing a regulated firearm shall have their license suspended. If the license is suspended, the dealer may not conduct any further business pertaining to regulated firearms effective on the day of suspension.

During the month of June 1996, the Maryland State Police and the Maryland Licensed Firearms Dealers Association conducted dealer seminars, free of charge, pertaining to the new laws in four different locations in this State. All of the issues in this Firearms Bulletin were discussed at length. There were 365 licensed dealers during this period and only 110 dealers attended the seminars. As a dealer you are the professional and required to have a basic knowledge and comply with all laws pertaining to the sale and transfer of regulated firearms. Your failure to comply with the new laws could result in the suspension of your license. When notified of upcoming dealer seminars, please make every effort to attend. The information disseminated is important to your business.

The following are some of the questions and answers discussed at the dealer seminars:

Question: Are starter pistols regulated firearms?

Answer: Yes, starter pistols that may be converted to expel a projectile are regulated firearms. That means a person could drill out the barrel so the starter pistol could expel a projectile. Mr. Abrams advised that the starter pistols are manufactured with an alloy, such as zinc, that could not withstand the pressure caused by expelling a .22 caliber projectile. These types of starter pistols are not regulated firearms.

Question: Are signal pistols regulated firearms?

Answer: Yes, signal pistols are defined as a handgun, but under Article 27, Section 447A it states:

THIS SUBTITLE DOES NOT APPLY TO ANY SIGNAL PISTOL OR OTHER VISUAL DISTRESS SIGNAL APPROVED BY THE UNITED STATES COAST GUARD FOR USE AS A MARINE SAFETY DEVICE (1981, CH. 239.)

If the signal pistol is approved by the U.S. Coast Guard as a marine safety device, it is not a regulated firearm.

Question: When can I legally transfer a regulated firearm?

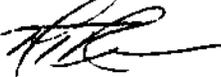
Answer: Under Article 27, Section 442(i), if a dealer does not receive notification of disapproval after seven days have elapsed from the date the application was forwarded, to the Secretary (not the day the applicant signed the application), the dealer may transfer the regulated firearm on the eighth day providing the eighth day is not a Sunday or legal holiday. The dealer would be required to wait until the next day which is neither a Sunday or legal holiday.

As you are aware, the Licensing Division moved to the Waterloo complex on September 23, 1996. The new address is:

Maryland State Police - Licensing Division
7751 Washington Boulevard
Jessup, Maryland 20794
Telephone Number: (410) 799-0191
Division Fax Number: (410) 799-5934

I hope the information contained in this bulletin will assist you with any questions you may have. If I can be of any further assistance, please do not hesitate to call my office.

Sincerely,



M. T. Rose - Captain
Commander