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OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY
March 12, 2013

The Honorable Sam Arora
Maryland House of Delegates
House Office Building, Room 224
Annapolis, Maryland 21401

Re: Senate Bill 281, The "Firearm Safety Act of 2013"

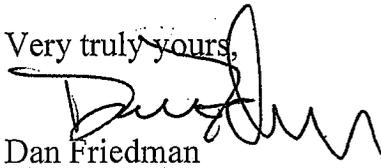
Dear Delegate Arora:

You have asked for my advice about the meaning of the word "receive" as used in Senate Bill 281, the "Firearm Safety Act of 2013." As you know, the bill would require people to possess a valid handgun qualification license to "purchase, rent, or receive" a handgun. Your question is whether a temporary transferee would be required to obtain such a license.

The answer is, of course, a matter of statutory interpretation and a reviewing court's job will be to try to determine the legislature's intent. Absent a clear manifestation of a contrary intent, however, I think a court will very likely interpret "receive" in the same spirit that it interpreted "transfer" in a recent handgun-related case, *Chow v. State*, 393 Md. 431 (2006). In *Chow*, the Court interpreted "transfer" to be limited to permanent transfers. It specifically held that temporary exchanges or loans did not meet the definition. Under that same understanding, someone "receives" a handgun when they accept the permanent "transfer" of possession, not a temporary exchange or loan. It is also my understanding that the drafters of SB 281 intended to adopt this view. Thus, if someone who doesn't have a handgun qualification license were to obtain possession of a handgun on a temporary basis with the intent to return it to the owner, she would not violate the statute. Of course, the legislature is free to manifest a contrary intent.

I hope this assists you.

Very truly yours,


Dan Friedman

Counsel to the General Assembly