

HOUSE BILL 810

E1

4lr2369

By: **The Speaker**

Introduced and read first time: January 31, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Weapon Crimes – 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; and generally relating to weapon crimes.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 4–301, 4–304, and 4–306
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2023 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 4–305.2
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2023 Supplement)

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

21 **Article – Criminal Law**

22 4–301.

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

24 (b) “Assault long gun” means any assault weapon listed under § 5–101(r)(2) of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Public Safety Article.

2 (c) "Assault pistol" means any of the following firearms or a copy regardless of
3 the producer or manufacturer:

4 (1) AA Arms AP-9 semiautomatic pistol;

5 (2) Bushmaster semiautomatic pistol;

6 (3) Claridge HI-TEC semiautomatic pistol;

7 (4) D Max Industries semiautomatic pistol;

8 (5) Encom MK-IV, MP-9, or MP-45 semiautomatic pistol;

9 (6) Heckler and Koch semiautomatic SP-89 pistol;

10 (7) Holmes MP-83 semiautomatic pistol;

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

13 (9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire variation;

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

15 (11) Skorpion semiautomatic pistol;

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

17 (13) UZI semiautomatic pistol;

18 (14) Weaver Arms semiautomatic Nighthawk pistol; or

19 (15) Wilkinson semiautomatic "Linda" pistol.

20 (d) "Assault weapon" means:

21 (1) an assault long gun;

22 (2) an assault pistol; or

23 (3) a copycat weapon.

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

1 (f) “Bump stock” means a device that, when installed in or attached to a firearm,
2 increases the rate of fire of the firearm by using energy from the recoil of the firearm to
3 generate a reciprocating action that facilitates repeated activation of the trigger.

4 (g) “Burst trigger system” means a device that, when installed in or attached to a
5 firearm, allows the firearm to discharge two or more shots with a single pull of the trigger
6 by altering the trigger reset.

7 (h) (1) “Copycat weapon” means:

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

- 10 1. a folding stock;
- 11 2. a grenade launcher or flare launcher; or
- 12 3. a flash suppressor;

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

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

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

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

20 (vi) a shotgun with a revolving cylinder.

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

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

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

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

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

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

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

5 (ii) the rate of fire increases.

6 (2) “Rapid fire trigger activator” includes a bump stock, trigger crank,
7 hellfire trigger, binary trigger system, burst trigger system, or a copy or a similar device,
8 regardless of the producer or manufacturer.

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

11 **(N) “SWITCH/AUTO-SEAR” MEANS A DEVICE THAT IS DESIGNED AND**
12 **INTENDED FOR USE IN CONVERTING A FIREARM INTO A WEAPON THAT SHOOTS, IS**
13 **DESIGNED TO SHOOT, OR CAN BE READILY RESTORED TO SHOOT AUTOMATICALLY**
14 **MORE THAN ONE SHOT, WITHOUT MANUAL RELOADING, BY A SINGLE FUNCTION OF**
15 **THE TRIGGER.**

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

19 4-304.

20 A law enforcement unit may seize as contraband and dispose of according to
21 regulation an assault weapon **OR A SWITCH/AUTO-SEAR** transported, sold, transferred,
22 purchased, received, or possessed in violation of this subtitle.

23 **4-305.2.**

24 **A PERSON MAY NOT:**

25 **(1) TRANSPORT A SWITCH/AUTO-SEAR INTO THE STATE; OR**

26 **(2) MANUFACTURE, POSSESS, SELL, OFFER TO SELL, TRANSFER,**
27 **PURCHASE, OR RECEIVE A SWITCH/AUTO-SEAR.**

28 4-306.

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

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

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

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

11 (iii) The mandatory minimum sentence of 5 years may not be
12 suspended.

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

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

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

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

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