**HB 1646 (Chapter 251) Summary**

**Md. Code, Criminal Procedure, Firearms Transfer**

**Effective October 1, 2018**

1. Defines certain terms including:
   1. **Disqualifying crime** with reference to Md. Code, Public Safety Article, §5-101;  
      a crime of violence such as: abduction; arson in the first degree; assault in the first or second degree; burglary in the first, second, or third degree; carjacking and armed carjacking; escape in the first degree; kidnapping; voluntary manslaughter; murder in the first or second degree; rape in the first or second degree; robbery; robbery with a dangerous weapon; sexual offense in the first, second, or third degree; home invasion; attempt to commit any of these crimes; assault with intent to commit any of these crimes.
   2. **Domestically related crime** means a crime committed by a defendant against a victim who is a person eligible for relief, as defined in § 4-501 of the Family Law Article, or who had a sexual relationship with the defendant within 12 months before the commission of the crime.;
2. Prior to trial or a guilty plea, the **States Attorney** provides defendant charged with domestically related disqualifying crime with written notice that it is illegal for a person convicted of a disqualifying crime to possess or own a regulated firearm, or long guns.
3. Upon guilty plea or conviction, the Court informs defendant charged with a domestically related disqualifying crime both verbally and in writing signed by defendant, that defendant is:
   1. **Prohibited from possessing** regulated firearms;
   2. Prohibited from possessing long guns; and,
   3. **Ordered to transfer**, within 2 days, any firearms owned by or in the possession of the defendant to:
      1. A Federally licensed firearms dealer;
      2. A law enforcement agency
4. Law enforcement agency or firearms dealer receiving firearms must provide detailed written proof of transfer.
5. If a Defendant fails to surrender firearms as ordered, upon application of a State’s Attorney or Law Enforcement agency, the Court can issue a search warrant for removal of firearms from any location where there is probable cause to believe that a firearm owned or possessed by the defendant is located.
6. Technical provisions allow certain possession and/or transportation of firearms to a firearms dealer or law enforcement agency, while carrying a Court surrender order.