

DOUGLAS F. GANSLER  
ATTORNEY GENERAL

KATHERINE WINFREE  
Chief Deputy Attorney General

JOHN B. HOWARD, JR.  
Deputy Attorney General



DAN FRIEDMAN  
Counsel to the General Assembly

SANDRA BENSON BRANTLEY  
BONNIE A. KIRKLAND  
KATHRYN M. ROWE  
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

August 1, 2013

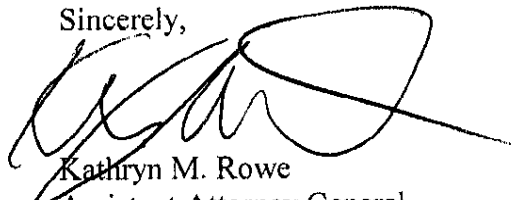
The Honorable Michael D. Smigiel, Sr.  
136A East Main Street  
Elkton, Maryland 21921

Dear Delegate Smigiel:

You have asked for advice concerning whether a person who purchases a handgun before October 1, 2013 may accept delivery of the handgun if it is delayed past October 1 due to delays in background checks without first obtaining a handgun qualification license. It is my view that they may not.

Chapter 427, Laws of Maryland 2013, enacted by Senate Bill 281, added a new Public Safety Article, § 5-117.1, which generally provides that a dealer may not sell, rent, or transfer a handgun to a person unless the person presents that person's handgun qualification license to the dealer. § 5-117.1(b). It further provides that a person may purchase, rent, or receive a handgun only if the person possesses a valid handgun qualification license issued to them. § 5-117.1(c). No exception is made for handguns that are ordered or applied for prior to October 1, 2013. *Contrast* Criminal Law Article, § 4-303(b)(3) (allowing a person to possess and transport an assault long gun or a copycat weapon if the person lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon prior to October 1, 2013). In the absence of such an exception, it is my view that after October 1, 2013 a person may not take delivery of, and a dealer may not deliver, a handgun to a person who does not have a handgun qualification license, even if the purchase was arranged prior to October 1, 2013.

Sincerely,



Kathryn M. Rowe  
Assistant Attorney General

KMR/kmr  
smigiel51.wpd