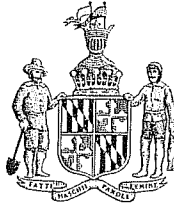


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WRITER'S DIRECT DIAL NO.

September 21, 2009

Terrence B. Sheridan
Superintendent, Maryland State Police
1201 Reisterstown Road
Pikesville, Maryland 21208-3899

Dear Superintendent Sheridan:

I am writing to acknowledge our receipt of your request for an opinion concerning an interpretation of the term "copies" in the Annotated Code of Maryland, Public Safety Article, §5-101(p).

As you may know, under State law, official opinions of the Attorney General are publicly available. It is the policy of this Office to accept and consider any information and views submitted by interested parties or other members of the public concerning pending opinion requests. For that reason generally we post pending opinion requests on our website for a period of three weeks. Your request will be posted on or about September 28, 2009. We will share with you any submissions that we receive. We will, of course, commence working on the opinion in the meantime.

If you need this opinion by a particular date, please let me know. We will do our best to meet your needs.

Very truly yours,

A handwritten signature in black ink that reads 'Robert N. McDonald'.

Robert N. McDonald
Chief Counsel
Opinions and Advice



MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR

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COLONEL
TERRENCE B. SHERIDAN
SUPERINTENDENT

September 8, 2009

The Honorable Douglas F. Gansler
Attorney General, State of Maryland
200 St. Paul Place
Baltimore, MD 21202

Dear Mr. Gansler:

The Maryland State Police Support Services Division, Records Command, Licensing Division, Firearms Registration Section, is responsible for administratively processing the purchases of all regulated firearms in the State of Maryland. The administrative processing involves a very thorough and comprehensive criminal and civil history background check on the purchasing individual, whereas, seventeen individual databases are queried to determine whether the purchasing individual is prohibited by law from possessing or purchasing the regulated firearm. (The State of Maryland by state and federal laws, in cooperation with the Federal Bureau of Investigation National Instant Checks System, is the processing authority for regulated firearms, whereas, the FBI NICS is the processing authority for all other firearms, i.e. rifles, shotguns, machine guns).

The Annotated Code of Maryland, Public Safety Article, Title 5-101(p) defines a regulated firearm as “a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon...” The statute then lists the more than forty-five specific assault weapons.

The precise meaning of the word “copies” is not included in Public Safety Article statute and has consequently spawned disagreements between the Maryland State Police Licensing Division and gun enthusiasts regarding what constitutes a “copy.” Firearms enthusiasts propose that “copy” means that the internal functions and mechanisms of the firearm must be similar in nature to require the firearm to be processed in accordance with regulated firearms laws. Therefore, any design short of similar internal mechanisms would permit an individual to process the firearm via a Federal Bureau of Investigation National Instant Checks System, which can be processed within minutes and is not subject to the seven-day waiting period as are the purchases of regulated firearms within the State of Maryland.

The Maryland State Police Licensing Division Firearms Registration Section proposes that “copy” not only includes similar internal mechanisms and functions, but also includes a similar visual cosmetic appearance of the firearm to qualify as a regulated firearm as defined in §PS 5-101(p), thereby, requiring the application of the seven-day waiting period.

“Maryland’s Finest”

The Honorable Douglas F. Gansler
September 8, 2009
Page Two

The precise meaning of the word "copy" or its synonym "replica" are not included in the Public Safety Article statute, suggesting that a copy or replica may be interpreted as cosmetically copied or replicated or perhaps interpreted as requiring more similar functional qualities.

The Department is seeking your assistance in rendering an opinion of the precise meaning of the word "copy" as used in §PS 5-101(p). Your assistance in this matter is greatly appreciated and will provide invaluable guidance to the Maryland State Police and Maryland Regulated Firearms Dealers relating to the required statutory processing of applicable firearms in the State of Maryland.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence B. Sheridan". The signature is fluid and cursive, with a large initial "T" and "S".

Terrence B. Sheridan
Superintendent

TBS:WMP:llh