

RESIDENCE OF THE PERSON IN POSSESSION OR INTO A RESIDENCE IN WHICH THE PERSON IN POSSESSION IS AN INVITED GUEST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 449(e) and 445(d), (e), and, except as it related to the transfer of regulated firearms, (a).

In subsection (a) of this section, the references to a "local" jurisdiction are substituted for the former references to "subordinate" jurisdictions and "such" jurisdictions to conform to the terminology used throughout this title and in other revised articles of the Code.

Also in subsection (a) of this section, the former reference to restrictions imposed "by the laws, ordinances or regulations" of local jurisdictions is deleted as surplusage.

In subsection (b)(9) of this section, the reference to an adjudication for an "act" that would be a disqualifying crime "if committed by an adult" is added for consistency with § 5-306 of this title.

In subsection (c)(4) of this section, the reference to a "crime" is substituted for the former reference to an "offense" to conform to the terminology used in the Criminal Procedure Article and the Criminal Law Article.

In subsection (d)(2)(i) and (iv) of this section, the former phrases "if the person is under 21 years of age" are deleted as duplicative in light of subsection (d)(1) of this section.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that the meaning of the reference in former Art. 27, § 449(e) to a person "who is in illegal possession of a firearm as defined in § 445(d)(1)(i) and (ii) of [Art. 27]" is unclear. Former Art. 27, § 445(d)(1)(i) and (ii) prohibited a person who has been convicted of a crime of violence or any violation classified as a felony in this State from possessing a regulated firearm. The General Assembly may wish to clarify the meaning of former Art. 27, § 449(e), which is revised in subsection (c) of this section.

Defined terms: "Crime of violence" § 5-101

"Disqualifying crime" § 5-101

"Firearm" § 5-101

"Fugitive from justice" § 5-101

"Habitual drunkard" § 5-101

"Habitual user" § 5-101

"Person" § 1-101

"Regulated firearm" § 5-101

5-134. RESTRICTIONS ON SALE, RENTAL, OR TRANSFER OF REGULATED FIREARMS.

(A) PREEMPTION BY STATE.

THIS SECTION SUPERSEDES ANY RESTRICTION THAT A LOCAL JURISDICTION IN THE STATE IMPOSES ON THE TRANSFER BY A PRIVATE PARTY OF A REGULATED