

"SECRETARY" MEANS THE SECRETARY OF STATE POLICE OR THE SECRETARY'S DESIGNEE.

REVISOR'S NOTE: This subsection formerly was Art. 27, § 36F(j).

The only changes are in style.

5-402. APPLICATION OF SUBTITLE.

(A) MANUFACTURE AND SALE OF WEAPONS.

THIS SUBTITLE DOES NOT AFFECT A PERSON'S RIGHT TO:

(1) MANUFACTURE, SELL, OR OFFER TO SELL A RIFLE OR OTHER WEAPON THAT IS NOT DEFINED AS A HANDGUN IN § 4-201 OF THE CRIMINAL LAW ARTICLE;

(2) MANUFACTURE A PROTOTYPE HANDGUN MODEL REQUIRED FOR DESIGN, DEVELOPMENT, TESTING, AND APPROVAL BY THE BOARD; AND

(3) MANUFACTURE IN THIS STATE A HANDGUN THAT IS NOT ON THE HANDGUN ROSTER BY A FEDERALLY LICENSED GUN MANUFACTURER WHO IS ALSO LICENSED AS A REGULATED FIREARMS DEALER IN THIS STATE FOR DIRECT SALE TO A UNIT OF:

(I) THE FEDERAL GOVERNMENT;

(II) A STATE OTHER THAN THIS STATE;

(III) A LOCAL GOVERNMENT IN A STATE OTHER THAN THIS STATE;
OR

(IV) A LAW ENFORCEMENT AGENCY IN A STATE OTHER THAN THIS STATE.

(B) STRICT LIABILITY.

(1) A PERSON IS NOT STRICTLY LIABLE FOR DAMAGES FOR INJURIES TO ANOTHER THAT RESULT FROM THE CRIMINAL USE OF A FIREARM BY A THIRD PERSON.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY IF THE PERSON CONSPIRED WITH THE THIRD PERSON TO COMMIT THE CRIMINAL ACT IN WHICH THE FIREARM WAS USED OR WILLFULLY AIDED, ABETTED, OR CAUSED THE COMMISSION OF THE CRIMINAL ACT IN WHICH THE FIREARM WAS USED.

(3) THIS SUBTITLE DOES NOT OTHERWISE NEGATE, LIMIT, OR MODIFY THE DOCTRINE OF NEGLIGENCE OR STRICT LIABILITY THAT RELATES TO ABNORMALLY DANGEROUS PRODUCTS OR ACTIVITIES AND DEFECTIVE PRODUCTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36-I(f) and (h).

In the introductory language of subsection (a) of this section, the reference to "[t]his subtitle" is substituted for the former reference to "this section"