

(II) THE BOARD SHALL PROVIDE NOTICE OF THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(III) AT A HEARING HELD UNDER THIS PARAGRAPH, THE PETITIONER HAS THE BURDEN OF PROVING TO THE BOARD THAT THE HANDGUN SHOULD BE PLACED ON THE HANDGUN ROSTER BECAUSE THE HANDGUN IS USEFUL FOR LEGITIMATE SPORTING ACTIVITIES, SELF-PROTECTION, OR LAW ENFORCEMENT PURPOSES.

(4) ANY PARTY OF RECORD WHO IS AGGRIEVED MAY APPEAL WITHIN 30 DAYS AFTER A FINAL DECISION OF THE BOARD IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(F) EFFECT OF SECTION.

THIS SECTION DOES NOT REQUIRE THE BOARD TO TEST ANY HANDGUN OR HAVE ANY HANDGUN TESTED AT THE EXPENSE OF THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36J(b) through (f).

In subsection (a)(1) of this section, the reference to "authorized" handguns is substituted for the former reference to "permitted" handguns to avoid confusion with handguns that require the issuance of a permit.

Also in subsection (a)(1) of this section, the former requirement to "publish in the Maryland Register by July 1, 1989, and thereafter" is deleted as obsolete and as surplusage in light of subsection (a)(2) of this section.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that in subsection (c)(2) of this section, the meaning of the clause "unless a court, after all appeals are exhausted, has made a finding that the decision of the Board shall be affirmed" is unclear in light of subsections (d) and (e) of this section, which provide appeals procedures for a party who is aggrieved by the decision of the Board.

In subsection (e)(3)(ii) and (4) of this section, the reference to "Title 10, Subtitle 2 of the State Government Article" is substituted for the former reference to the "Administrative Procedure Act" for clarity.

Defined terms: "Board" § 5-401

"Handgun" § 5-401

"Handgun roster" § 5-401

"Person" § 1-101

5-406. MANUFACTURE OR SALE OF HANDGUNS.

(A) PROHIBITIONS.

(1) EXCEPT AS PROVIDED IN § 5-402 OF THIS SUBTITLE, A PERSON MAY NOT MANUFACTURE FOR DISTRIBUTION OR SALE A HANDGUN THAT IS NOT INCLUDED ON THE HANDGUN ROSTER IN THE STATE.