

(1) THE MANUFACTURE, SALE, AND TRANSPORTATION OF A MACHINE GUN FOR OR TO A MILITARY FORCE OR PEACE OFFICER OF THE UNITED STATES, A STATE, OR A POLITICAL SUBDIVISION OF A STATE;

(2) THE POSSESSION OF A MACHINE GUN FOR A SCIENTIFIC PURPOSE;

(3) THE POSSESSION, AS A CURIOSITY, ORNAMENT, OR KEEPSAKE, OF A MACHINE GUN THAT CANNOT BE USED AS A WEAPON; OR

(4) THE POSSESSION OF A MACHINE GUN FOR A PURPOSE THAT IS MANIFESTLY NOT AGGRESSIVE OR OFFENSIVE.

(C) SEIZURE AND CONFISCATION.

(1) A COURT MAY ISSUE A WARRANT TO SEARCH FOR AND SEIZE A MACHINE GUN POSSESSED IN VIOLATION OF THIS SUBTITLE UNDER THE SAME PROCEDURE AS FOR ISSUANCE OF A WARRANT FOR STOLEN PROPERTY.

(2) ON APPLICATION BY THE STATE'S ATTORNEY, A COURT MAY ORDER THE CONFISCATION OR DESTRUCTION OF A LEGALLY SEIZED MACHINE GUN OR THE TRANSFER OF THE MACHINE GUN TO A PEACE OFFICER OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 376, 377, and 380.

In subsection (a) of this section, the former phrase "where the weapon is found" is deleted as implicit in the reference to the "presence of a machine gun in a room, boat, or vehicle".

In the introductory language of subsection (b) of this section, the phrase "[t]his subtitle does not prohibit or interfere with" is substituted for the former phrase "[n]othing contained in this subtitle shall" for clarity.

In subsection (c) of this section, the former reference to a "house or place" is deleted as implicit in the requirement that a search warrant must follow the same procedures as a warrant issued for stolen property.

Also in subsection (c) of this section, the phrase "under the same procedure as for issuance of a warrant" is substituted for the former phrase "in the same manner and under the same restrictions as provided by law" for clarity.

In subsection (c)(2) of this section, the word "may" is substituted for the former phrase "shall have jurisdiction and power to" for brevity.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that subsection (b) of this section excepts "manufacture", "sale", and "transportation" of machine guns for use by military personnel and peace officers from this subtitle, but does not except "possession" by these individuals, even when on official duty. The General Assembly may wish to address the possession of machine guns by these individuals, and any limitation on possession such as "in the course