
By: **Delegates Anderson, McIntosh, and Doory**
Introduced and read first time: January 26, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Imitation Firearms - Prohibition**

3 FOR the purpose of prohibiting the sale, offer of sale, possession, use, attempt to use,
4 or transfer of an imitation firearm; defining certain terms; establishing certain
5 criminal penalties; authorizing the Attorney General to file a civil action to
6 enjoin violation of this Act; authorizing a circuit court to enjoin a violation of this
7 Act; establishing certain exceptions; and generally relating to imitation
8 firearms.

9 BY adding to
10 Article - Public Safety
11 Section 5-601 through 5-603, inclusive, to be under the new subtitle "Subtitle 6.
12 Imitation Firearms"
13 Annotated Code of Maryland
14 (2003 Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Public Safety**

18 **SUBTITLE 6. IMITATION FIREARMS.**

19 5-601.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) "AIR GUN" MEANS A BB GUN, PELLET GUN, OR SIMILAR DEVICE WHICH
23 LAUNCHES A PROJECTILE UPON THE RELEASE OF COMPRESSED GAS.

24 (C) "ANTIQUE FIREARM" HAS THE MEANING STATED IN § 4-201 OF THE
25 CRIMINAL LAW ARTICLE.

26 (D) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

1 (E) "HANDGUN" HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL LAW
2 ARTICLE.

3 (F) (1) "IMITATION FIREARM" MEANS AN AIR GUN, TOY, DEVICE, OR OBJECT
4 WHICH SUBSTANTIALLY DUPLICATES OR CAN REASONABLY BE PERCEIVED TO BE A
5 FIREARM, HANDGUN, OR AIR GUN.

6 (2) "IMITATION FIREARM" DOES NOT INCLUDE AN AIR GUN, TOY,
7 DEVICE, OR OBJECT THAT:

8 (I) HAS AN ENTIRE EXTERIOR SURFACE AREA COLOR OF BRIGHT
9 RED, BRIGHT ORANGE, BRIGHT YELLOW, BRIGHT GREEN, BRIGHT BLUE, BRIGHT
10 PINK, OR BRIGHT PURPLE, EITHER SINGLY OR AS THE PREDOMINANT COLOR IN
11 COMBINATION WITH OTHER COLORS IN ANY PATTERN;

12 (II) HAS A BARREL THAT IS CLOSED FOR A DISTANCE OF NOT LESS
13 THAN ONE-HALF INCH FROM THE FRONT END OF THE BARREL WITH THE SAME
14 MATERIAL OF WHICH THE TOY, DEVICE, OR OBJECT IS MADE;

15 (III) HAS LEGIBLY STAMPED ON THE EXTERIOR THE NAME OF THE
16 MANUFACTURER OR SOME TRADE NAME, MARK, OR BRAND BY WHICH THE
17 MANUFACTURER CAN BE READILY IDENTIFIED; OR

18 (IV) IS A NONFIRING COLLECTOR REPLICAS OF AN ANTIQUE
19 FIREARM.

20 5-602.

21 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
22 MAY NOT SELL, OFFER TO SELL, POSSESS, USE, ATTEMPT TO USE, OR TRANSFER AN
23 IMITATION FIREARM.

24 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
25 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
26 FINE NOT EXCEEDING \$1,000 OR BOTH PER VIOLATION OF THIS SECTION.

27 (C) THIS SUBTITLE SHALL NOT APPLY TO THE POSSESSION, USE, OR DISPLAY
28 OF AN IMITATION FIREARM AS PART OF A:

29 (1) TELEVISION PROGRAM;

30 (2) THEATRICAL PRODUCTION; OR

31 (3) MOTION PICTURE.

32 5-603.

33 (A) THE ATTORNEY GENERAL OF THE STATE OF MARYLAND MAY FILE A CIVIL
34 ACTION TO ENFORCE § 5-602 OF THIS SUBTITLE ON BEHALF OF THE STATE OF
35 MARYLAND IN THE CIRCUIT COURT FOR A COUNTY IN WHICH A PERSON IS ALLEGED
36 TO BE IN VIOLATION OF § 5-602 OF THIS SUBTITLE.

1 (B) IN AN ACTION FILED UNDER THIS SECTION, A CIRCUIT COURT MAY ISSUE
2 A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND PERMANENT
3 INJUNCTION TO ENJOIN A VIOLATION OF § 5-602 OF THIS SUBTITLE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 2004.