

SENATE BILL 10

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(PRE-FILED)

1lr1089
CF HB 450

By: **Senators Waldstreicher and Ferguson**

Requested: October 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2021

Returned to second reading: February 22, 2021

Senate action: Adopted with floor amendments

Read second time: February 22, 2021

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Polling Sites – Firearms Prohibitions**

3 FOR the purpose of prohibiting a person from carrying or displaying a firearm on certain
4 premises or carrying or possessing a firearm within a certain number of feet of a
5 polling site during an election, subject to ~~a certain exception~~ certain exceptions;
6 establishing a certain civil penalty for a certain violation; defining a certain term;
7 making conforming changes; and generally relating to prohibiting firearms in polling
8 sites during an election.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 16–903 and 16–1002
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2020 Supplement)

14 BY adding to
15 Article – Election Law
16 Section 16–904
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Election Law**

4 16–903.

5 (a) Except as provided in subsection (b) of this section, a person may not attire or
6 equip an individual, or permit an individual to be attired or equipped, in a manner which
7 creates the appearance that the individual is performing an official or governmental
8 function in connection with an election, including:

9 (1) wearing a public or private law enforcement or security guard uniform;

10 (2) using an armband; or

11 (3) except as required by law or by regulation adopted by the State Board
12 in connection with ballot security activities, carrying or displaying a [gun] **FIREARM, AS**
13 **DEFINED IN § 16–904(A) OF THIS SUBTITLE**, or badge within 100 feet of a polling site on
14 election day.

15 (b) (1) A law enforcement officer or security guard who is on duty or traveling
16 to or from duty may vote while wearing a uniform.

17 (2) A law enforcement officer who is performing an official governmental
18 function may wear a uniform at a polling site.

19 (c) A person who violates this section is subject to the civil penalty specified under
20 § 16–1002 of this title.

21 **16–904.**

22 (A) (1) **IN THIS SECTION, “FIREARM” MEANS A WEAPON THAT EXPELS, IS**
23 **DESIGNED TO EXPEL, OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY**
24 **THE ACTION OF AN EXPLOSIVE.**

25 (2) **“FIREARM” INCLUDES AN ANTIQUE FIREARM, A HANDGUN, A**
26 **RIFLE, A SHOTGUN, A SHORT–BARRELED RIFLE, A SHORT–BARRELED SHOTGUN, A**
27 **STARTER GUN, OR ANY OTHER FIREARM, WHETHER LOADED OR UNLOADED.**

28 (B) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND §**
29 **16–903 OF THIS SUBTITLE, A PERSON MAY NOT:**

30 (1) **CARRY OR DISPLAY A FIREARM ON THE PREMISES OF A PRIVATELY**
31 **OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE DURING AN**
32 **ELECTION, INCLUDING IN A PARKING LOT; OR**

1 **(2) CARRY OR POSSESS A FIREARM WITHIN 100 FEET OF A POLLING**
 2 **SITE DURING AN ELECTION.**

3 **(C) (1) AN INDIVIDUAL IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS**
 4 **SECTION IF THE INDIVIDUAL IS:**

5 **(I) A LAW ENFORCEMENT OFFICER IN THE REGULAR COURSE**
 6 **OF THE OFFICER'S DUTY; OR**

7 **(II) AN OFF-DUTY LAW ENFORCEMENT OFFICER, IF:**

8 **1. THE OFFICER IS DISPLAYING THE OFFICER'S BADGE**
 9 **OR CREDENTIAL; AND**

10 **2. THE WEAPON CARRIED OR POSSESSED BY THE**
 11 **OFFICER IS CONCEALED.**

12 **(2) AN INDIVIDUAL IS NOT IN VIOLATION OF SUBSECTION (B)(2) OF**
 13 **THIS SECTION IF:**

14 ~~**(1)**~~ **(I) THE INDIVIDUAL IS LEGALLY IN POSSESSION OF A FIREARM;**

15 ~~**(2)**~~ **(II) THE RESIDENCE OF THE INDIVIDUAL IS WITHIN 100 FEET OF**
 16 **A PRIVATELY OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE**
 17 **DURING AN ELECTION; AND**

18 ~~**(3)**~~ **(III) THE INDIVIDUAL IS TRANSFERRING THE FIREARM TO THE**
 19 **INDIVIDUAL'S RESIDENCE OR VEHICLE WITHIN 100 FEET OF A POLLING PLACE.**

20 ~~**(C)**~~ **(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE CIVIL**
 21 **PENALTY SPECIFIED UNDER § 16-1002 OF THIS TITLE.**

22 16-1002.

23 A person who violates § 16-201(a)(6) or (7) [or], § 16-903, **OR § 16-904** of this title
 24 without knowing that the act is illegal shall pay a civil penalty and have the matter
 25 adjudicated in accordance with § 13-604 of this article.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 27 October 1, 2021.