SENATE BILL 10

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(Pre–Filed)

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
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Read second time: February 22, 2021

CHAPTER _____

AN ACT concerning

Election Law – Polling Sites – Firearms Prohibitions

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

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

BY adding to
Article – Election Law
Section 16–904
Annotated Code of Maryland
(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.
Strikeout indicates matter stricken from the bill by amendment or deleted from the law by amendment.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Election Law

16–903.

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

(1) wearing a public or private law enforcement or security guard uniform;
(2) using an armband; or
(3) except as required by law or by regulation adopted by the State Board in connection with ballot security activities, carrying or displaying a [gun] FIREARM, AS DEFINED IN § 16–904(A) OF THIS SUBTITLE, or badge within 100 feet of a polling site on election day.

(b) (1) A law enforcement officer or security guard who is on duty or traveling to or from duty may vote while wearing a uniform.
(2) A law enforcement officer who is performing an official governmental function may wear a uniform at a polling site.

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

16–904.

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

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

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

(1) CARRY OR DISPLAY A FIREARM ON THE PREMISES OF A PRIVATELY OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE DURING AN ELECTION, INCLUDING IN A PARKING LOT; OR
(2) Carry or possess a firearm within 100 feet of a polling site during an election.

(c) (1) An individual is not in violation of subsection (b) of this section if the individual is:

(I) A law enforcement officer in the regular course of the officer’s duty; or

(II) An off-duty law enforcement officer, if:

1. The officer is displaying the officer’s badge or credential; and

2. The weapon carried or possessed by the officer is concealed.

(2) An individual is not in violation of subsection (b)(2) of this section if:

(I) The individual is legally in possession of a firearm;

(II) The residence of the individual is within 100 feet of a privately or publicly owned building being used as a polling site during an election; and

(III) The individual is transferring the firearm to the individual’s residence or vehicle within 100 feet of a polling place.

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

16–1002.

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

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