

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 315
Judiciary

(Delegate Bartlett)

Judicial Proceedings

Regulated Firearms - Maryland Judiciary - Reporting Requirements

This bill repeals the requirement for the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) to report to the Governor and the General Assembly, by October 1, 2024, and each October thereafter, on the number of charges, convictions, and sentences for violations of § 4-203 of the Criminal Law Article (wearing, carrying, or transporting handgun) and § 5-133(d) of the Public Safety Article (restrictions on possession of regulated firearms) and *instead* requires the Maryland Judiciary, by October 1, 2024, and each October thereafter, to report that same information. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: The Judiciary can handle the bill's reporting requirements with existing budgeted resources. Revenues are not affected.

Local Effect: Local government operations and finances are not anticipated to be materially affected.

Small Business Effect: None.

Analysis

Current Law:

Required Report: Chapter 651 of 2023 requires MSCCSP, by October 1, 2024, and each October thereafter, to report to the Governor and the General Assembly on the number of charges, convictions, and sentences for violations of § 4-203 of the Criminal Law Article

(wearing, carrying, or transporting handgun) and § 5-133(d) of the Public Safety Article (restrictions on possession of regulated firearms).

Prohibitions on Wearing, Carrying, or Transporting a Handgun Under § 4-203 of the Criminal Law Article: With specified exceptions, including possession of a handgun permit, a person may not (1) wear, carry, or transport a handgun, whether concealed or open, on or about the person; (2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State; (3) violate items (1) or (2) listed above while on public school property in the State; (4) violate items (1) or (2) listed above with the deliberate purpose of injuring or killing another person; or (5) violate items (1) or (2) listed above with a handgun loaded with ammunition. There is a rebuttable presumption that a person who transports a handgun does so knowingly. A violator is guilty of a misdemeanor and subject to the penalties listed below. The subsequent offender provisions apply to previous convictions under § 4-203 (wearing, carrying, or transporting a handgun), § 4-204 (use of handgun or antique firearm in commission of crime), § 4-101 (dangerous weapons), and § 4-102 (deadly weapons on school property) of the Criminal Law Article, as shown in **Exhibit 1**.

Exhibit 1
Penalties for Specified Handgun Violations

First-time Offender – No prior convictions under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article

In General – Imprisonment for at least 30 days and up to 5 years and/or fine of \$250 to \$2,500.

Offense on Public School Property – Imprisonment for at least 90 days.

Subsequent Offender – One prior conviction under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article

In General – Imprisonment for at least 1 year and up to 10 years.

Offense on Public School Property – Imprisonment for at least 3 years and up to 10 years.

Court may not impose less than the applicable minimum sentence.

Offense with handgun loaded with ammunition – With required notice, court may not suspend any part of or impose less than the applicable mandatory minimum sentence. Person is not eligible for parole during mandatory minimum sentence.*

Subsequent Offender – More than one prior conviction under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article

In General – Imprisonment for at least 3 years and up to 10 years.

Offense on Public School Property – Imprisonment for at least 5 years and up to 10 years.

Offense with Deliberate Purpose of Injuring or Killing Another Person – Imprisonment for at least 5 years and up to 10 years.

Court may not impose less than the applicable minimum sentence.

Offense with handgun loaded with ammunition – With required notice, court may not suspend any part of or impose less than the applicable mandatory minimum sentence. Person is not eligible for parole during mandatory minimum sentence.*

* Contains exception for § 4-305 of the Correctional Services Article (parole for an inmate at the Patuxent Institution).

Source: Department of Legislative Services

Prohibition on Possession of a Regulated Firearm Under § 5-133(d) of the Public Safety Article: Generally, a person who is younger than age 21 may not possess a regulated firearm. However, unless a person is otherwise prohibited from possessing a regulated firearm, the prohibition does not apply to:

- the temporary transfer or possession of a regulated firearm if the person is under the supervision of another who is at least age 21 and who is not prohibited by State or federal law from possessing a firearm and acting with the permission of the parent or legal guardian of the transferee or person in possession;
- the transfer by inheritance of title, and not of possession, of a regulated firearm;
- a member of the Armed Forces of the United States or the National Guard while performing official duties;
- the temporary transfer or possession of a regulated firearm if the person is participating in marksmanship training of a recognized organization and under the supervision of a qualified instructor;
- a person who is required to possess a regulated firearm for employment and who holds a handgun permit; or
- the possession of a firearm for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 319 (Senator West) - Judicial Proceedings.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2024
km/lgc Third Reader - March 15, 2024
Revised - Amendment(s) - March 15, 2024
Revised - Clarification - March 15, 2024

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