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**By: Delegates Montague and C. Mitchell**

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Regulation of Firearms**

3 FOR the purpose of exempting Baltimore City from the prohibition on local jurisdictions  
4 regulating certain firearms and ammunition if the regulation is at least as stringent  
5 as any applicable State regulation; authorizing the Mayor and City Council of  
6 Baltimore to regulate certain firearms and ammunition under certain  
7 circumstances; providing that a person subject to regulation in Baltimore City  
8 remains subject to applicable State regulation; and generally relating to the  
9 regulation of firearms and ammunition by Baltimore City.

10 BY repealing and reenacting, with amendments,  
11 Article 27 - Crimes and Punishments  
12 Section 36H, 442(a), and 445(a)  
13 Annotated Code of Maryland  
14 (1992 Replacement Volume and 1995 Supplement)

15 BY adding to  
16 The Charter of Baltimore City, 1964 Revision  
17 Article II - General Powers  
18 Section (64)  
19 (1993 Replacement Volume, as amended)

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

22 **Article 27 - Crimes and Punishments**

23 36H.

24 (a) Except as provided in subsections (b), (c), [and] (d), AND (E) of this section,  
25 the State [of Maryland hereby] preempts the rights of any county, municipal  
26 corporation, or special taxing district whether by law, ordinance, or regulation to regulate  
27 the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and  
28 transportation of the following:

29 (1) Handgun, as defined in § 36F(b) of this article;

30 (2) Rifle, as defined in § 36F(d) of this article;

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1 (3) Shotgun, as defined in § 36F(g) of this article; and

2 (4) Ammunition and components for the above enumerated items.

3 (b) Any county, municipal corporation, or special taxing district may regulate the  
4 purchase, sale, transfer, ownership, possession, and transportation of the weapons and  
5 ammunition listed in subsection (a) of this section:

6 (1) With respect to minors;

7 (2) With respect to these activities on or within 100 yards of parks, churches,  
8 schools, public buildings, and other places of public assembly; however, the teaching of  
9 firearms safety training or other educational or sporting use may not be prohibited; and

10 (3) With respect to law enforcement personnel of the subdivision.

11 (c) To the extent that local laws or regulations do not create an inconsistency with  
12 the provisions of this section or expand existing regulatory control, any county, municipal  
13 corporation, or special taxing district may exercise its existing authority to amend any  
14 local laws or regulations that exist before January 1, 1985.

15 (d) In accordance with law, any county, municipal corporation, or special taxing  
16 district may continue to regulate the discharge of handguns, rifles, and shotguns, but may  
17 not prohibit the discharge of firearms at established ranges.

18 (E) BALTIMORE CITY MAY REGULATE BY ORDINANCE THE PURCHASE, SALE,  
19 TAXATION, TRANSFER, OWNERSHIP, POSSESSION, OR TRANSPORTATION OF  
20 WEAPONS AND AMMUNITION LISTED IN SUBSECTION (A) OF THIS SECTION IN  
21 ACCORDANCE WITH ARTICLE II, § (64) OF THE CHARTER OF BALTIMORE CITY IF THE  
22 REGULATION IS AT LEAST AS STRINGENT AS ANY APPLICABLE REGULATION UNDER  
23 STATE LAW.

24 442.

25 (a) (1) [All] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
26 SUBSECTION, ALL restrictions imposed by the laws, ordinances or regulations of all  
27 subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are  
28 superseded by this section, and the State of Maryland hereby preempts the rights of such  
29 jurisdictions to regulate the sale of pistols and revolvers.

30 (2) BALTIMORE CITY MAY REGULATE BY ORDINANCE THE SALE OF  
31 PISTOLS AND REVOLVERS IN ACCORDANCE WITH ARTICLE II, § (64) OF THE  
32 CHARTER OF BALTIMORE CITY IF THE REGULATION IS AT LEAST AS STRINGENT AS  
33 ANY APPLICABLE REGULATION UNDER STATE LAW.

34 445.

35 (a) (1) [All] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
36 SUBSECTION, ALL restrictions imposed by the laws, ordinances or regulations of all  
37 subordinate jurisdictions within the State of Maryland on possession or transfers by  
38 private parties of pistols and revolvers are superseded by this section and the State of  
39 Maryland hereby preempts the right of such jurisdictions to regulate the possession and  
40 transfer of pistols and revolvers.

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1 (2) BALTIMORE CITY MAY REGULATE BY ORDINANCE THE POSSESSION  
2 OR TRANSFERS BY PRIVATE PARTIES OF PISTOLS AND REVOLVERS IN ACCORDANCE  
3 WITH ARTICLE II, § (64) OF THE CHARTER OF BALTIMORE CITY IF THE REGULATION  
4 IS AT LEAST AS STRINGENT AS ANY APPLICABLE REGULATION UNDER STATE LAW.

5 **The Charter of Baltimore City**

6 Article II - General Powers

7 The Mayor and City Council of Baltimore shall have full power and authority to  
8 exercise all of the powers heretofore or hereafter granted to it by the Constitution of  
9 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in  
10 particular, without limitation upon the foregoing, shall have power by ordinance, or such  
11 other method as may be provided for in its Charter, subject to the provisions of said  
12 Constitution and Public General Laws:

13 (64) TO REGULATE THE PURCHASE, SALE, TAXATION, TRANSFER, OWNERSHIP,  
14 POSSESSION, OR TRANSPORTATION OF FIREARMS AND AMMUNITION WITHIN  
15 BALTIMORE CITY BY ANY PERSON IF THE REGULATION IS AT LEAST AS STRINGENT  
16 AS ANY APPLICABLE REGULATION UNDER STATE LAW. ANY PERSON SUBJECT TO  
17 ANY FIREARM OR AMMUNITION REGULATION ADOPTED UNDER THIS SECTION  
18 REMAINS SUBJECT TO APPLICABLE STATE REGULATIONS.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1996.