
By: Senator Hollinger

Requested: October 20, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Dangerous Weapons - Possession by and Sale to Minors**

3 FOR the purpose of prohibiting minors from possessing certain weapons; prohibiting the
4 sale, barter, or giving away of certain weapons to minors; defining certain terms;
5 making stylistic changes; and generally relating to the sale and possession of
6 weapons.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 36 and 406
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 36.

16 (a) (1) Every person who shall wear or carry any dirk knife, bowie knife, NINJA
17 KNIFE OR SWORD, switchblade knife, star knife, sandclub, metal knuckles, razor,
18 nunchaku, or any other dangerous or deadly weapon of any kind, whatsoever (penknives
19 without switchblade and handguns, excepted) concealed upon or about hisperson, and
20 every person who shall wear or carry any such weapon, chemical mace, pepper mace, or
21 tear gas device openly with the intent or purpose of injuring any person in any unlawful
22 manner, shall be guilty of a misdemeanor, and upon conviction, shall be fined not more
23 than \$1,000 or be imprisoned in jail, or sentenced to the Maryland Department of
24 Correction for not more than three years.

25 (2) In case of a conviction under the provisions of this subsection, if it shall
26 appear from the evidence that such weapon was carried, concealed or openly, with the
27 deliberate purpose of injuring the person or destroying the life of another, the court shall
28 impose the highest sentence of imprisonment prescribed.

29 (3) In Cecil, Anne Arundel, Talbot, Harford, Caroline, Prince George's,
30 Montgomery, St. Mary's, Washington, Worcester, Kent, and Baltimore Counties it shall

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1 also be unlawful and a misdemeanor, punishable as provided in paragraph(1) of this
2 subsection, for any person under eighteen years of age to carry any dangerous or deadly
3 weapon, other than a handgun, between one hour after sunset and one hour before
4 sunrise, whether concealed or not, except while on a bona fide hunting trip, or except
5 while engaged in or on the way to or returning from a bona fide trap shoot, sport shooting
6 event, or any organized civic or military activity.

7 (b) (1) Except as provided in subsection [(f)] (G) of this section, a minor may
8 not possess [pepper mace], either openly or concealed[.], THE FOLLOWINGITEMS:

9 (I) A BOWIE KNIFE;

10 (II) A DIRK KNIFE;

11 (III) METAL KNUCKLES;

12 (IV) A NINJA KNIFE OR SWORD;

13 (V) A NUNCHAKU;

14 (VI) PEPPER MACE;

15 (VII) A SANDCLUB;

16 (VIII) A STAR KNIFE; OR

17 (IX) A SWITCHBLADE KNIFE.

18 (2) A person who violates this subsection is guilty of a misdemeanor and on
19 conviction shall be subject to a fine of up to \$1,000 or imprisonment for up to 3 years or
20 both.

21 (c) As used in this section, a "star knife" is a device used as a throwing weapon,
22 consisting of several sharp or pointed blades arrayed as radially disposed arms about a
23 central disk.

24 (d) As used in this section, a "nunchaku" is a device constructed oftwo pieces of
25 any substance, including wood, metal, or plastic, connected by any chain, rope, leather or
26 other flexible material not exceeding 24 inches in length.

27 (e) "Pepper mace" means an aerosol propelled combination of highly disabling
28 irritant pepper-based products and is also known as oleoresin capsicum (o.c.) spray.

29 (F) "NINJA KNIFE OR SWORD" MEANS A WEAPON WITH A STRAIGHT BLADE
30 THAT IS ASSOCIATED WITH THE MARTIAL ARTS.

31 [(f)] (G) Nothing in this section shall be construed to prevent the carrying of any
32 of the weapons mentioned in subsections (a) and (b) of this section by:

33 (1) An officer of this State, or of any county or city, who is entitled or
34 required to carry such weapon as part of the officer's official equipment, or by any
35 conservator of the peace, who is entitled or required to carry such weapon as part of the
36 conservator's official equipment, or by any officer or conservator of the peace of some
37 other state temporarily sojourning in this State;

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1 (2) Any special agent of a railway;

2 (3) Any person to whom a permit to carry a concealed weapon has been
3 issued under § 36E of this article; or

4 (4) Any person who shall carry such weapon as a reasonable precaution
5 against apprehended danger, but the tribunal before which any case arising under the
6 provisions of this section may be tried, shall have the right to judge of the reasonableness
7 of the carrying of any such weapon, and the proper occasion therefor, under the evidence
8 in the case.

9 406.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) "NINJA KNIFE OR SWORD" MEANS A WEAPON WITH A STRAIGHT
13 BLADE THAT IS ASSOCIATED WITH THE MARTIAL ARTS.

14 (3) "NUNCHAKU" MEANS A DEVICE CONSTRUCTED OF TWO PIECES OF
15 ANY SUBSTANCE, INCLUDING WOOD, METAL, OR PLASTIC, CONNECTED BY ANY
16 CHAIN, ROPE, LEATHER, OR OTHER FLEXIBLE MATERIAL NOT EXCEEDING 24
17 INCHES IN LENGTH.

18 (4) "PEPPER MACE" MEANS AN AEROSOL PROPELLED COMBINATION OF
19 HIGHLY DISABLING IRRITANT PEPPER BASED PRODUCTS AND IS ALSO KNOWN AS
20 OLEORESIN CAPSICUM (O.C.) SPRAY.

21 (5) "STAR KNIFE" MEANS A DEVICE USED AS A THROWING WEAPON,
22 CONSISTING OF SEVERAL SHARP OR POINTED BLADES ARRAYED AS RADIALY
23 DISPOSED ARMS ABOUT A CENTRAL DISK.

24 [(a)] (B) It shall be unlawful for any person to sell, barter or give away to any
25 minor:

26 (1) Any firearms or other deadly weapons or ammunition, except with the
27 express permission of a parent or guardian of the minor; [or]

28 (2) Pepper mace[.];

29 (3) A BOWIE KNIFE;

30 (4) A DIRK KNIFE;

31 (5) METAL KNUCKLES;

32 (6) A NINJA KNIFE OR SWORD;

33 (7) A NUNCHAKU;

34 (8) A SANDCLUB;

35 (9) A STAR KNIFE; OR

36 (10) A SWITCHBLADE KNIFE.

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1 [(b)] (C) Any person violating this section shall on conviction pay a fine of not less
2 than fifty nor more than two hundred dollars, together with the costs of prosecution. On
3 failure to pay the fine and costs, the person shall be committed to jail and confined until
4 such fine and costs are paid, or for the period of sixty days, whichever shall first occur.

5 [(c)] (D) The provisions of this section do not apply to:

6 (1) A member of any organized militia in Maryland, when said member is
7 engaged in supervised training, marksmanship activities or any other performance of his
8 official duty; or

9 (2) Any adult or qualified supervisor or instructor of a recognized
10 organization engaged in the instruction of marksmanship.

11 [(d) In this section, "pepper mace" means an aerosol propelled combination of
12 highly disabling irritant pepper based products and is also known as oleoresin capsicum
13 (o.c.) spray.]

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