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By: **Delegates Hixson, R. Baker, Barve, Benson, Bobo, Branch, Conroy, Dembrow, Doory, Finifter, Frush, Goldwater, Gordon, Harrison, Healey, Hecht, Heller, Howard, B. Hughes, Hubbard, Hurson, Kagan, Kopp, Mandel, Marriott, McIntosh, Menes, Montague, Pendergrass, Pitkin, Rawlings, Shriver, and Valderrama**

Introduced and read first time: February 2, 1998  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Handguns - Child Safety Device**

3 FOR the purpose of requiring a firearms dealer to provide a child safety handgun  
4 device to the recipient of a handgun when transferring the handgun; requiring a  
5 firearms dealer who transfers a handgun to post a certain notice; requiring the  
6 recipient of a handgun to obtain a child safety handgun device for the handgun;  
7 defining certain terms; requiring the Office of the Attorney General to adopt  
8 certain regulations; and generally relating to child safety handgun devices for  
9 handguns.

10 BY adding to

11 Article - Commercial Law

12 Section 14-2901 through 14-2904, inclusive, to be under the new subtitle

13 "Subtitle 29. Child Safety Handgun Devices"

14 Annotated Code of Maryland

15 (1990 Replacement Volume and 1997 Supplement)

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

18 **Article - Commercial Law**

19 **SUBTITLE 29. CHILD SAFETY HANDGUN DEVICES.**

20 14-2901.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (B) "CHILD SAFETY HANDGUN BOX" MEANS A SECURE, LOCKABLE BOX,  
24 DESIGNED TO HOLD A HANDGUN, THAT:

- 1 (1) REQUIRES A KEY OR COMBINATION TO OPEN;
- 2 (2) RENDERS THE HANDGUN INOPERABLE WHEN LOCKED; AND
- 3 (3) IS APPROVED BY REGULATION.

4 (C) "CHILD SAFETY HANDGUN DEVICE" MEANS A CHILD SAFETY HANDGUN  
5 LOCK OR CHILD SAFETY HANDGUN BOX.

6 (D) "CHILD SAFETY HANDGUN LOCK" MEANS:

7 (1) A DEVICE THAT, WHEN LOCKED IN PLACE, PREVENTS MOVEMENT OF  
8 THE TRIGGER OF A HANDGUN WITHOUT FIRST REMOVING THE LOCK BY USE OF A  
9 KEY OR COMBINATION; OR

10 (2) ANY OTHER DEVICE THAT CAN BE ATTACHED TO A HANDGUN AND:

11 (I) REQUIRES A KEY OR COMBINATION TO OPEN;

12 (II) RENDERS THE HANDGUN INOPERABLE WHEN LOCKED IN  
13 PLACE; AND

14 (III) IS APPROVED BY REGULATION.

15 (E) "FIREARMS DEALER" MEANS A PERSON REQUIRED BY STATE OR FEDERAL  
16 LAW TO OBTAIN A:

17 (1) REGULATED FIREARMS DEALER'S LICENSE; OR

18 (2) TEMPORARY TRANSFER PERMIT TO DISPLAY A REGULATED FIREARM  
19 AT A GUN SHOW.

20 (F) "HANDGUN" HAS THE MEANING PROVIDED IN ARTICLE 27, § 441 OF THE  
21 CODE.

22 14-2902.

23 (A) THE GENERAL ASSEMBLY FINDS THAT:

24 (1) THE UNINTENTIONAL DISCHARGE OF HANDGUNS OFTEN CAUSES  
25 ACCIDENTAL DEATH OR INJURY TO CHILDREN;

26 (2) ADDITIONAL SAFEGUARDS ARE NEEDED TO PROTECT CHILDREN  
27 FROM INJURY OR DEATH FROM THE UNINTENTIONAL DISCHARGE OF LOADED AND  
28 UNLOCKED HANDGUNS; AND

29 (3) REQUIRING A FIREARMS DEALER WHO TRANSFERS A HANDGUN TO  
30 PROVIDE A CHILD SAFETY HANDGUN DEVICE WHEN A HANDGUN IS TRANSFERRED  
31 CAN PREVENT UNINTENTIONAL INJURIES AND FATALITIES TO CHILDREN.

1 (B) (1) A FIREARMS DEALER WHO SELLS, LEASES, OR OTHERWISE  
2 TRANSFERS A HANDGUN IN THE STATE SHALL PROVIDE TO THE RECIPIENT OF THE  
3 HANDGUN A CHILD SAFETY HANDGUN DEVICE FOR THE HANDGUN AT THE TIME OF  
4 THE TRANSFER. THE FIREARMS DEALER MAY CHARGE THE RECIPIENT OF THE  
5 HANDGUN FOR THE COST OF THE CHILD SAFETY HANDGUN DEVICE.

6 (2) THE RECIPIENT OF A HANDGUN FROM A FIREARMS DEALER, OR ANY  
7 TRANSFEROR WHO WOULD BE A FIREARMS DEALER IF THE TRANSFER OCCURRED IN  
8 THE STATE ON OR AFTER OCTOBER 1, 1998, SHALL OBTAIN A CHILD SAFETY  
9 HANDGUN DEVICE FOR THE HANDGUN:

10 (I) AT THE TIME OF A TRANSFER IN THE STATE; OR

11 (II) BEFORE ENTERING THE STATE WITH THE HANDGUN IF THE  
12 TRANSFER OCCURRED OUTSIDE THE STATE AND THE RECIPIENT OF THE HANDGUN  
13 RESIDES IN THE STATE.

14 (C) (1) A FIREARMS DEALER WHO SELLS, LEASES, OR OTHERWISE  
15 TRANSFERS A HANDGUN SHALL POST CONSPICUOUSLY IN THE FIREARMS DEALER'S  
16 PLACE OF BUSINESS A NOTICE OF:

17 (I) THE REQUIREMENT IN SUBSECTION (B) OF THIS SECTION FOR A  
18 CHILD SAFETY HANDGUN DEVICE; AND

19 (II) THE PROHIBITION AGAINST STORING OR LEAVING A LOADED  
20 FIREARM IN A LOCATION WHERE AN UNSUPERVISED MINOR CAN GAIN ACCESS TO  
21 THE FIREARM, AS SET FORTH IN ARTICLE 27, § 36K OF THE CODE.

22 (2) IF THE FIREARMS DEALER TRANSFERRING A HANDGUN DOES NOT  
23 MAINTAIN A PLACE OF BUSINESS IN A COMMERCIAL ESTABLISHMENT, THE  
24 FIREARMS DEALER SHALL PROVIDE THE NOTICES REQUIRED BY PARAGRAPH (1) OF  
25 THIS SUBSECTION IN WRITING WHEN TRANSFERRING THE HANDGUN.

26 14-2903.

27 THE OFFICE OF THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS  
28 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

29 14-2904.

30 A VIOLATION OF ANY PROVISION OF THIS SUBTITLE IS AN UNFAIR OR  
31 DECEPTIVE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE AND IS  
32 SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13  
33 OF THIS ARTICLE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 1998.