
By: **Senators Hoffman, Conway, Sfikas, McFadden, Blount, Ruben, and Hollinger**

Introduced and read first time: February 1, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Minors' Access to Firearms - Felony**

3 FOR the purpose of repealing a requirement that a prohibition against an individual
4 storing or leaving a firearm in a location where a certain minor would gain
5 access to the firearm apply to a loaded firearm that the offender knows or
6 should have known that a certain minor would gain access to the firearm;
7 altering from a misdemeanor to a felony the penalty for storing or leaving a
8 firearm in a location where an unsupervised minor would gain access to the
9 firearm; increasing certain penalties; and generally relating to access to
10 firearms under certain conditions.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 36K
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 36K.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) (i) "Firearm" means a pistol, revolver, rifle, shotgun,
22 short-barreled rifle, short-barreled shotgun, or any other firearm.

23 (ii) "Firearm" does not include antique firearms as defined in § 36F
24 of this article.

25 (3) "Minor" means an individual under the age of 16.

1 (4) "Ammunition" means any ammunition cartridge, shell or other device
2 containing explosive or incendiary material designed and intended for use in a
3 firearm.

4 (b) Except as provided in this section, an individual may not store or leave a
5 [loaded] firearm in any location where [the individual knew or should have known
6 that] an unsupervised minor would gain access to the firearm.

7 (c) This section does not apply if:

8 (1) A minor's access to a firearm is supervised by a person 18 years old or
9 older;

10 (2) A minor's access to a firearm was obtained as a result of an unlawful
11 entry;

12 (3) A firearm is in the possession or control of a law enforcement officer
13 while the officer is engaged in official duties; or

14 (4) A minor has a certificate of firearm and hunter safety as set forth in
15 § 10-301.1 of the Natural Resources Article.

16 (d) (1) A violation of this section may not:

17 (i) Be considered evidence of negligence;

18 (ii) Be considered evidence of contributory negligence;

19 (iii) Limit liability of a party or an insurer; or

20 (iv) Diminish recovery for damages arising out of the ownership,
21 maintenance, or operation of a firearm or ammunition.

22 (2) A party, witness, or counsel may not make reference to a violation of
23 this section during a trial of a civil action that involves property damage, personal
24 injury, or death.

25 (e) Any person who violates this section is guilty of a [misdemeanor] FELONY
26 and [upon] ON conviction [shall be fined not more than \$1,000] IS SUBJECT TO
27 IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
28 BOTH.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1999.