

SENATE BILL 209

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E4

2001 Regular Session
11r0181
CF 11r0182

By: **The President (Administration) and Senators Blount, Conway, Currie,
Forehand, Hoffman, Hollinger, Kelley, Lawlah, McFadden, Pinsky,
Ruben, and Teitelbaum**

Introduced and read first time: January 22, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Bulletproof Body Armor - Restrictions on Possession, Use, and Sale**

3 FOR the purpose of restricting the possession, use, and sale of certain bulletproof
4 body armor by certain persons; providing for criminal penalties; authorizing the
5 Secretary of the State Police to issue, deny, or impose certain conditions or
6 limitations on a permit to possess, purchase, or own bulletproof body armor;
7 requiring the Secretary to adopt certain regulations; defining a certain term;
8 and generally relating to bulletproof body armor.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 27A
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2000 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 27A.

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

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

21 (3) "Bulletproof body armor" means any material or object that is
22 designed to cover or be worn on any part of the body to prevent, deflect, or slow down
23 the penetration of ammunition.

24 (4) "Crime of violence" has the meaning stated in § 643B(a) of this
25 article.

1 (5) "Firearm" includes:

2 (i) A handgun, antique firearm, rifle, shotgun, short-barreled
3 shotgun, or short-barreled rifle, as defined in § 36F of this article;

4 (ii) A machine gun, as defined in § 372 of this article;

5 (iii) A regulated firearm as defined in § 441 of this article; and

6 (iv) An assault pistol, as defined in § 36H-1 of this article.

7 (6) "SECRETARY" MEANS THE SECRETARY OF THE STATE POLICE OR THE
8 SECRETARY'S DESIGNEE.

9 (B) EXCEPT AS PROVIDED IN SECTION (C) OF THIS SECTION, ANY PERSON WHO
10 PURCHASES, OWNS, OR POSSESSES BULLETPROOF BODY ARMOR IS GUILTY OF A
11 MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
12 \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

13 (C) THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO:

14 (1) PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY AGENCY
15 OR DEPARTMENT OF THE UNITED STATES, MEMBERS OF THE ARMED FORCES OF THE
16 UNITED STATES OR OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL
17 OF THIS STATE OR ANY LOCAL AGENCY IN THE STATE;

18 (2) LAW ENFORCEMENT PERSONNEL OF SOME OTHER STATE OR
19 SUBDIVISION OF ANOTHER STATE TEMPORARILY IN THIS STATE ON OFFICIAL
20 BUSINESS;

21 (3) ANY PERSON TO WHOM A PERMIT TO CARRY A WEAPON HAS BEEN
22 ISSUED UNDER SECTION 36E OF THIS ARTICLE;

23 (4) AN EMPLOYEE OF THE DIVISION OF CORRECTION, THE PATUXENT
24 INSTITUTION, THE DIVISION OF PRETRIAL DETENTION AND SERVICES, THE DIVISION
25 OF PAROLE AND PROBATION, ANY COUNTY JAIL OR DETENTION CENTER, OR ANY
26 BOOKING FACILITY WHILE ACTING WITHIN THE COURSE AND SCOPE OF THEIR
27 EMPLOYMENT;

28 (5) ANY EMERGENCY MEDICAL SERVICES PROVIDER WHILE ACTING
29 WITHIN THE COURSE AND SCOPE OF THEIR EMPLOYMENT;

30 (6) HOLDERS OF SPECIAL POLICE COMMISSIONS ISSUED UNDER
31 ARTICLE 41, TITLE 4, SUBTITLE 9 OF THE CODE;

32 (7) UNIFORMED SECURITY GUARDS, SPECIAL RAILWAY POLICE, AND
33 WATCHMEN WHO HAVE BEEN CLEARED FOR SUCH EMPLOYMENT BY THE
34 DEPARTMENT OF STATE POLICE;

1 (8) GUARDS IN THE EMPLOY OF A BANK, SAVINGS AND LOAN
2 ASSOCIATION, BUILDING AND LOAN ASSOCIATION, OR EXPRESS OR ARMORED CAR
3 AGENCY;

4 (9) PRIVATE DETECTIVES AND EMPLOYEES OF PRIVATE DETECTIVES
5 PREVIOUSLY LICENSED UNDER FORMER ARTICLE 56, § 90A OF THE CODE; AND

6 (10) ANY PERSON WHOSE EMPLOYMENT, LIVELIHOOD, OR PERSONAL
7 SAFETY MAY BE DEPENDENT ON THE ABILITY TO LEGALLY POSSESS AND USE BODY
8 ARMOR, AND WHO HAS BEEN ISSUED A PERMIT UNDER SUBSECTION (D) OF THIS
9 SECTION.

10 (D) (1) THE SECRETARY HAS THE AUTHORITY TO ISSUE, DENY, OR IMPOSE
11 CERTAIN CONDITIONS OR LIMITATIONS ON A PERMIT TO POSSESS, PURCHASE, OR
12 OWN BULLETPROOF BODY ARMOR.

13 (2) A PERMIT TO POSSESS, PURCHASE, OR OWN BULLETPROOF BODY
14 ARMOR SHALL BE ISSUED WITHIN A REASONABLE TIME BY THE SECRETARY, UPON
15 APPLICATION UNDER OATH THEREFOR, TO ANY PERSON WHO THE SECRETARY
16 FINDS:

17 (I) IS LIKELY TO USE BODY ARMOR IN A SAFE AND LAWFUL
18 MANNER; AND

19 (II) HAS A REASONABLE NEED FOR SUCH PROTECTION UNDER THE
20 INDIVIDUAL'S CIRCUMSTANCES.

21 (3) THE SECRETARY SHALL ADOPT A PROCEDURE TO PROVIDE
22 EMERGENCY APPROVAL FOR AN INDIVIDUAL WHO IS IN IMMEDIATE NEED TO USE
23 BULLETPROOF BODY ARMOR.

24 (4) IN MAKING THE DETERMINATION TO ISSUE A PERMIT TO POSSESS,
25 PURCHASE, AND OWN BULLETPROOF BODY ARMOR, THE SECRETARY SHALL
26 CONSIDER THE FOLLOWING:

27 (I) THE PERSON'S CONTINUED EMPLOYMENT, IF APPROPRIATE;

28 (II) THE INTEREST OF JUSTICE;

29 (III) ANY RELEVANT EVIDENCE; AND

30 (IV) THE TOTALITY OF THE CIRCUMSTANCES.

31 (5) THE SECRETARY SHALL ADOPT REGULATIONS TO EXECUTE THE
32 PROVISIONS OF THIS SECTION.

33 (6) THE SECRETARY MAY, FOR ANY PERMIT ISSUED UNDER THIS
34 SECTION, LIMIT THE GEOGRAPHIC AREA, CIRCUMSTANCES, OR TIMES DURING THE
35 DAY, WEEK, MONTH, OR YEAR IN OR DURING WHICH THE PERMIT IS EFFECTIVE.

1 (7) THE SECRETARY SHALL REQUIRE, AS A CONDITION OF GRANTING A
2 PERMIT UNDER SUBSECTION (D) OF THIS SECTION, THAT THE PETITIONER FOR
3 BULLETPROOF BODY ARMOR AGREE TO MAINTAIN ON HIS OR HER PERSON A
4 CERTIFIED COPY OF THE PERMIT TO POSSESS AND USE BODY ARMOR, INCLUDING
5 ANY CONDITIONS OR LIMITATIONS.

6 (8) THE SECRETARY MAY REVOKE ANY PERMIT ISSUED AT ANY TIME
7 UPON A FINDING THAT:

8 (I) THE HOLDER NO LONGER SATISFIES THE QUALIFICATIONS SET
9 FORTH IN SUBSECTION (C) OF THIS SECTION; OR

10 (II) THE PERMIT HAS EXPIRED.

11 [(b)] (E) Any person who wears bulletproof body armor in the commission of a
12 crime of violence is guilty of a separate [misdemeanor] FELONY and on conviction, in
13 addition to any other sentence imposed by virtue of commission of the crime of
14 violence, is subject to a fine of not more than [\$5,000] \$10,000 or imprisonment for not
15 more than [5] 10 years or both.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2001.