
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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2001

CHAPTER _____

1 AN ACT concerning

2 **Bulletproof Body Armor - Restrictions on Possession, Use, and Sale**
3 **Purchase by Convicted Felons**

4 FOR the purpose of ~~restricting~~ prohibiting the possession, use, and ~~sale~~ purchase of
5 certain bulletproof body armor by certain persons convicted of a felony under
6 certain circumstances; providing for criminal penalties; ~~authorizing the~~
7 ~~Secretary of the State Police to issue, deny, or impose certain conditions or~~
8 ~~limitations on a permit to possess, purchase, or own bulletproof body armor~~
9 authorizing a certain person to file a certain petition with the Secretary of State
10 Police for a certain exemption from the prohibition against the possession, use,
11 or purchase of bulletproof body armor under certain circumstances; authorizing
12 the Secretary to grant a certain exemption or impose certain reasonable
13 conditions on the possession, use, or purchase of bulletproof body armor under
14 certain circumstances; requiring certain persons to maintain on their person
15 certain permission to possess, use, and purchase bulletproof body armor;
16 authorizing the Secretary to revoke a certain exemption; authorizing a certain
17 petitioner to request a certain review of a decision of the Secretary under certain
18 circumstances; requiring the Secretary to conduct a certain review and provide
19 certain notice of a certain decision under certain circumstances; requiring the
20 Secretary to adopt certain regulations; defining a certain term; and generally
21 relating to bulletproof body armor.

22 BY ~~repealing and reenacting, with amendments,~~ adding to
23 Article 27 - Crimes and Punishments
24 Section ~~27A~~ 27B
25 Annotated Code of Maryland

1 (1996 Replacement Volume and 2000 Supplement)

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

4 **Article 27 - Crimes and Punishments**

5 ~~27A.~~

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

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

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

12 (4) ~~"Crime of violence" has the meaning stated in § 643B(a) of this
13 article.~~

14 (5) ~~"Firearm" includes:~~

15 (i) ~~A handgun, antique firearm, rifle, shotgun, short barreled
16 shotgun, or short barreled rifle, as defined in § 36F of this article;~~

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

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

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

20 (6) ~~"SECRETARY" MEANS THE SECRETARY OF THE STATE POLICE OR THE
21 SECRETARY'S DESIGNEE.~~

22 (B) ~~EXCEPT AS PROVIDED IN SECTION (C) OF THIS SECTION, ANY PERSON WHO
23 PURCHASES, OWNS, OR POSSESSES BULLETPROOF BODY ARMOR IS GUILTY OF A
24 MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
25 \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.~~

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

27 (1) ~~PERSONNEL OF THE UNITED STATES GOVERNMENT OR ANY AGENCY
28 OR DEPARTMENT OF THE UNITED STATES, MEMBERS OF THE ARMED FORCES OF THE
29 UNITED STATES OR OF THE NATIONAL GUARD, OR LAW ENFORCEMENT PERSONNEL
30 OF THIS STATE OR ANY LOCAL AGENCY IN THE STATE;~~

31 (2) ~~LAW ENFORCEMENT PERSONNEL OF SOME OTHER STATE OR
32 SUBDIVISION OF ANOTHER STATE TEMPORARILY IN THIS STATE ON OFFICIAL
33 BUSINESS;~~

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

3 (4) AN EMPLOYEE OF THE DIVISION OF CORRECTION, THE PATUXENT
4 INSTITUTION, THE DIVISION OF PRETRIAL DETENTION AND SERVICES, THE DIVISION
5 OF PAROLE AND PROBATION, ANY COUNTY JAIL OR DETENTION CENTER, OR ANY
6 BOOKING FACILITY WHILE ACTING WITHIN THE COURSE AND SCOPE OF THEIR
7 EMPLOYMENT;

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

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

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

15 (8) GUARDS IN THE EMPLOY OF A BANK, SAVINGS AND LOAN
16 ASSOCIATION, BUILDING AND LOAN ASSOCIATION, OR EXPRESS OR ARMORED CAR
17 AGENCY;

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

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

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

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

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

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

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

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

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

5 (II) THE INTEREST OF JUSTICE;

6 (III) ANY RELEVANT EVIDENCE; AND

7 (IV) THE TOTALITY OF THE CIRCUMSTANCES.

8 (5) THE SECRETARY SHALL ADOPT REGULATIONS TO EXECUTE THE
9 PROVISIONS OF THIS SECTION.

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

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

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

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

22 (II) THE PERMIT HAS EXPIRED.

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

28 27B.

29 (A) IN THIS SECTION, "SECRETARY" MEANS THE SECRETARY OF STATE
30 POLICE.

31 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
32 WHO WAS PREVIOUSLY CONVICTED OF A FELONY MAY NOT POSSESS, USE, OR
33 PURCHASE BULLETPROOF BODY ARMOR AS DEFINED IN § 27A OF THIS SUBHEADING.

34 (C) A PERSON WHO IS PROHIBITED FROM THE POSSESSION, USE, OR
35 PURCHASE OF BULLETPROOF BODY ARMOR UNDER SUBSECTION (B) OF THIS
36 SECTION WHOSE EMPLOYMENT, LIVELIHOOD, OR SAFETY IS DEPENDENT ON THE

1 ABILITY TO POSSESS, USE, OR PURCHASE BULLETPROOF BODY ARMOR MAY FILE A
2 PETITION WITH THE SECRETARY FOR AN EXEMPTION FROM THE PROVISIONS OF
3 SUBSECTION (B) OF THIS SECTION.

4 (D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, ON RECEIPT OF A
5 PETITION FILED UNDER SUBSECTION (C) OF THIS SECTION, THE SECRETARY MAY
6 GRANT A FULL EXEMPTION FROM THE PROHIBITION UNDER SUBSECTION (B) OF THIS
7 SECTION OR IMPOSE REASONABLE CONDITIONS ON THE POSSESSION, USE, OR
8 PURCHASE OF BULLETPROOF BODY ARMOR IF THE SECRETARY DETERMINES THAT
9 THE PETITIONER:

10 (1) IS LIKELY TO USE BODY ARMOR IN A SAFE AND LAWFUL MANNER;
11 AND

12 (2) HAS A REASONABLE NEED FOR THE PROTECTION OF BULLETPROOF
13 BODY ARMOR UNDER THE CIRCUMSTANCES.

14 (E) IN MAKING A DETERMINATION TO GRANT A FULL OR CONDITIONED
15 EXEMPTION FROM THE PROHIBITION AGAINST THE POSSESSION, USE, OR PURCHASE
16 OF BULLETPROOF BODY ARMOR UNDER SUBSECTION (D) OF THIS SECTION, THE
17 SECRETARY SHALL EXAMINE:

18 (1) THE EMPLOYMENT OF THE PETITIONER;

19 (2) THE INTERESTS OF JUSTICE;

20 (3) ANY RELEVANT EVIDENCE; AND

21 (4) THE TOTALITY OF THE CIRCUMSTANCES.

22 (F) IF THE SECRETARY GRANTS A FULL OR CONDITIONED EXEMPTION UNDER
23 SUBSECTION (D) OF THIS SECTION, THE PETITIONER SHALL, WHILE POSSESSING,
24 WEARING, OR PURCHASING BULLETPROOF BODY ARMOR, MAINTAIN ON THE PERSON
25 A CERTIFIED COPY OF THE SECRETARY'S PERMISSION TO POSSESS, USE, OR
26 PURCHASE BULLETPROOF BODY ARMOR.

27 (G) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
28 PROVISIONS OF THIS SECTION.

29 (H) THE SECRETARY MAY REVOKE A GRANTED FULL OR CONDITIONED
30 EXEMPTION ON A FINDING THAT:

31 (1) THE PETITIONER NO LONGER MEETS THE PROVISIONS OF
32 SUBSECTION (C) OF THIS SECTION; OR

33 (2) THE REASONABLE CONDITIONS ESTABLISHED BY THE SECRETARY
34 UNDER SUBSECTION (D) OF THIS SECTION HAVE BEEN VIOLATED OR TERMINATED.

35 (I) (1) IF A PETITION FOR EXEMPTION UNDER SUBSECTION (C) OF THIS
36 SECTION IS DENIED OR REVOKED BY THE SECRETARY, THE PETITIONER MAY

1 REQUEST IN WRITING, WITHIN 10 DAYS AFTER RECEIVING NOTICE OF THE DENIAL
2 OR REVOCATION BY THE SECRETARY, AN INFORMAL REVIEW OF THE DENIAL OR
3 REVOCATION TO BE CONDUCTED BY THE SECRETARY.

4 (2) IF A PETITIONER REQUESTS AN INFORMAL REVIEW UNDER
5 PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL CONDUCT AN
6 INFORMAL REVIEW THAT MAY INCLUDE A PERSONAL INTERVIEW OF THE
7 PETITIONER.

8 (3) AN INFORMAL REVIEW UNDER THIS SUBSECTION IS NOT SUBJECT
9 TO THE CONTESTED CASE REQUIREMENTS OF TITLE 10 OF THE STATE GOVERNMENT
10 ARTICLE.

11 (4) AFTER AN INFORMAL REVIEW BY THE SECRETARY UNDER THIS
12 SUBSECTION, THE SECRETARY SHALL SUSTAIN, REVERSE, OR MODIFY THE INITIAL
13 DENIAL OR REVOCATION AND EXPLAIN THE REASONS IN WRITING TO THE
14 PETITIONER WITHIN 30 DAYS AFTER THE RECEIPT OF THE REQUEST FOR THE
15 INFORMAL REVIEW.

16 (J) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF
17 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
18 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

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