
By: **Chairman, Judiciary Committee and Delegate Grosfeld**

Introduced and read first time: January 18, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Dangerous Weapons - Minors - Civil Offense**

3 FOR the purpose of providing that a violation by a minor of certain provisions on
4 possession of a dangerous weapon or pepper mace is a civil offense rather than a
5 misdemeanor; providing that a minor who violates certain provisions of law is
6 subject to certain procedures and dispositions; and generally relating to minors
7 and dangerous weapons.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 4-101
11 Annotated Code of Maryland
12 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
13 2002)

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

16 **Article - Criminal Law**

17 4-101.

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

19 (2) "Nunchaku" means a device constructed of two pieces of any
20 substance, including wood, metal, or plastic, connected by any chain, rope, leather, or
21 other flexible material not exceeding 24 inches in length.

22 (3) (i) "Pepper mace" means an aerosol propelled combination of
23 highly disabling irritant pepper-based products.

24 (ii) "Pepper mace" is also known as oleoresin capsicum (o.c.) spray.

25 (4) "Star knife" means a device used as a throwing weapon, consisting of
26 several sharp or pointed blades arrayed as radially disposed arms about a central
27 disk.

1 (5) (i) "Weapon" includes a dirk knife, bowie knife, switchblade knife,
2 star knife, sandclub, metal knuckles, razor, and nunchaku.

3 (ii) "Weapon" does not include:

4 1. a handgun; or

5 2. a penknife without a switchblade.

6 (b) This section does not prohibit the following individuals from carrying a
7 weapon:

8 (1) an officer of the State, or of any county or municipal corporation of
9 the State, who is entitled or required to carry the weapon as part of the officer's
10 official equipment, or by any conservator of the peace, who is entitled or required to
11 carry the weapon as part of the conservator's official equipment, or by any officer or
12 conservator of the peace of another state who is temporarily in this State;

13 (2) a special agent of a railroad;

14 (3) a holder of a permit to carry a handgun issued under Article 27, § 36E
15 of the Code; or

16 (4) an individual who carries the weapon as a reasonable precaution
17 against apprehended danger, subject to the right of the court in an action arising
18 under this section to judge the reasonableness of the carrying of the weapon, and the
19 proper occasion for carrying it, under the evidence in the case.

20 (c) (1) A person may not wear or carry a dangerous weapon of any kind
21 concealed on or about the person.

22 (2) A person may not wear or carry a dangerous weapon, chemical mace,
23 pepper mace, or a tear gas device openly with the intent or purpose of injuring an
24 individual in an unlawful manner.

25 (3) Except as authorized under subsection (b) of this section, a minor
26 may not possess pepper mace, either openly or concealed.

27 (4) (i) This paragraph applies in Anne Arundel County, Baltimore
28 County, Caroline County, Cecil County, Harford County, Kent County, Montgomery
29 County, Prince George's County, St. Mary's County, Talbot County, Washington
30 County, and Worcester County.

31 (ii) A minor may not carry a dangerous weapon between 1 hour
32 after sunset and 1 hour before sunrise, whether concealed or not, except while:

33 1. on a bona fide hunting trip; or

34 2. engaged in or on the way to or returning from a bona fide
35 trap shoot, sport shooting event, or any organized civic or military activity.

1 (d) (1) (i) A person who violates subsection [(c)(1), (2), or (4)] (C)(1) OR (2)
2 of this section is guilty of a misdemeanor and on conviction is subject to imprisonment
3 not exceeding 3 years or a fine not exceeding \$1,000.

4 (ii) For a person convicted under subsection (c)(1) or (2) of this
5 section, if it appears from the evidence that the weapon was carried, concealed or
6 openly, with the deliberate purpose of injuring or killing another, the court shall
7 impose the highest sentence of imprisonment prescribed.

8 (2) (I) A VIOLATION OF SUBSECTION (C)(3) OR (4) OF THIS SECTION IS A
9 CIVIL OFFENSE.

10 (II) A [person] MINOR who violates subsection (c)(3) OR (4) of this
11 section is [guilty of a misdemeanor and on conviction is subject to imprisonment not
12 exceeding 3 years or a fine not exceeding \$1,000 or both] SUBJECT TO THE
13 PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE
14 COURTS ARTICLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2002.