

HOUSE BILL 969

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2002 Regular Session
2lr2091
CF 2lr1762

By: **Delegates Montague, Doory, Dobson, Grosfeld, and Menes**
Introduced and read first time: February 8, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Firearms - Child Access**

3 FOR the purpose of altering a certain provision of law concerning the storage of a
4 loaded firearm to prohibit a person from storing or leaving the firearm in a
5 location where the person knew or reasonably should have known that an
6 unsupervised child could gain access to the firearm; altering certain penalties;
7 and generally relating to access to loaded firearms by children.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 4-104
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 4-104.

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

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

21 (3) "Child" means an individual under the age of 16 years.

22 (4) (i) "Firearm" means a handgun, rifle, shotgun, short-barreled
23 rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or
24 any other firearm.

25 (ii) "Firearm" does not include an antique firearm as defined in §
26 4-201 of this title.

1 (b) This section does not apply if:

2 (1) the child's access to a firearm is supervised by an individual at least
3 18 years old;

4 (2) the child's access to a firearm was obtained as a result of an unlawful
5 entry;

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

8 (4) the child has a certificate of firearm and hunter safety issued under
9 § 10-301.1 of the Natural Resources Article.

10 (c) A person may not store or leave a loaded firearm in a location where the
11 person knew or REASONABLY should have known that an unsupervised child [would]
12 COULD gain access to the firearm.

13 (d) A person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to a fine not exceeding [\$1,000] \$5,000 OR IMPRISONED FOR NOT
15 MORE THAN 5 YEARS OR BOTH.

16 (e) (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 lawyer may not refer to a violation of this section
23 during a trial of a civil action that involves property damage, personal injury, or
24 death.

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