

SENATE BILL 374

Unofficial Copy  
E1

2002 Regular Session  
2r1762  
CF 2r2091

---

By: **Senators Hoffman, Hollinger, Ruben, and Van Hollen**  
Introduced and read first time: January 29, 2002  
Assigned to: Judicial Proceedings

---

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.