

HOUSE BILL 45

Unofficial Copy
E4

2004 Regular Session
4r0224

(PRE-FILED)

By: **Delegate Anderson**
Requested: July 7, 2003
Introduced and read first time: January 14, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Imitation Firearms - Prohibition**

3 FOR the purpose of prohibiting the sale, offer of sale, possession, use, attempt to use,
4 or transfer of an imitation firearm; defining certain terms; establishing certain
5 penalties; establishing certain exceptions; and generally relating to imitation
6 firearms.

7 BY adding to

8 Article - Public Safety

9 Section 5-601 and 5-602 to be under the new subtitle "Subtitle 6. Imitation
10 Firearms"

11 Annotated Code of Maryland
12 (2003 Volume)

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

15 **Article - Public Safety**

16 **SUBTITLE 6. IMITATION FIREARMS.**

17 5-601.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) "AIR GUN" MEANS A BB GUN, PELLET GUN, OR SIMILAR DEVICE WHICH
21 LAUNCHES A PROJECTILE UPON THE RELEASE OF COMPRESSED GAS.

22 (C) "ANTIQUE FIREARM" HAS THE MEANING STATED IN § 4-201 OF THE
23 CRIMINAL LAW ARTICLE.

24 (D) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

1 (E) (1) "IMITATION FIREARM" MEANS A TOY, DEVICE, OR OBJECT WHICH
2 SUBSTANTIALLY DUPLICATES OR CAN REASONABLY BE PERCEIVED TO BE AN
3 ACTUAL FIREARM OR AIR GUN.

4 (2) "IMITATION FIREARM" DOES NOT INCLUDE A TOY, DEVICE, OR
5 OBJECT THAT:

6 (I) HAS AN ENTIRE EXTERIOR SURFACE AREA COLOR OF WHITE,
7 BRIGHT RED, BRIGHT ORANGE, BRIGHT YELLOW, BRIGHT GREEN, BRIGHT BLUE,
8 BRIGHT PINK, OR BRIGHT PURPLE, EITHER SINGLY OR AS THE PREDOMINANT COLOR
9 IN COMBINATION WITH OTHER COLORS IN ANY PATTERN;

10 (II) IS CONSTRUCTED ENTIRELY OF TRANSPARENT OR
11 TRANSLUCENT MATERIALS WHICH PERMIT CLEAR OBSERVATION OF THE CONTENTS
12 OF THE TOY, DEVICE, OR OBJECT;

13 (III) HAS A BARREL THAT IS CLOSED FOR A DISTANCE OF NOT LESS
14 THAN ONE-HALF INCH FROM THE FRONT END OF THE BARREL WITH THE SAME
15 MATERIAL OF WHICH THE TOY, DEVICE, OR OBJECT IS MADE;

16 (IV) HAS LEGIBLY STAMPED ON THE EXTERIOR THE NAME OF THE
17 MANUFACTURER OR SOME TRADE NAME, MARK, OR BRAND BY WHICH THE
18 MANUFACTURER CAN BE READILY IDENTIFIED;

19 (V) IS A NONFIRING REPLICA OF AN ANTIQUE FIREARM; OR

20 (VI) IS NO MORE THAN 38 MILLIMETERS IN HEIGHT BY 70
21 MILLIMETERS IN LENGTH, EXCLUDING THE LENGTH OF THE GUN STOCK.

22 5-602.

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
24 MAY NOT SELL, OFFER TO SELL, POSSESS, USE, ATTEMPT TO USE, OR TRANSFER AN
25 IMITATION FIREARM.

26 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
27 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
28 FINE NOT EXCEEDING \$1,000 OR BOTH.

29 (C) THIS SUBTITLE SHALL NOT APPLY TO THE POSSESSION, USE, OR DISPLAY
30 OF AN IMITATION FIREARM:

31 (1) SOLELY FOR THE PURPOSE OF SALE OUTSIDE THE STATE; OR

32 (2) AS PART OF A:

33 (I) TELEVISION PROGRAM;

34 (II) THEATRICAL PRODUCTION; OR

35 (III) MOTION PICTURE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2004.