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By: **Chairman, Judiciary Committee (By Request - Departmental - State Police)**

Introduced and read first time: January 21, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Wearing, Carrying, or Transporting - Law Enforcement**  
3 **Exception**

4 FOR the purpose of authorizing certain law enforcement officers to wear, carry, or  
5 transport an agency-approved handgun under certain circumstances; requiring  
6 a law enforcement officer to be in compliance with certain rules and policies  
7 when wearing, carrying, or transporting a handgun; making a stylistic change;  
8 and generally relating to handguns.

9 BY repealing and reenacting, with amendments,

- 10 Article - Criminal Law
- 11 Section 4-203
- 12 Annotated Code of Maryland
- 13 (2002 Volume and 2003 Supplement)

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 4-203.

18 (a) (1) Except as provided in subsection (b) of this section, a person may not:

19 (i) wear, carry, or transport a handgun, whether concealed or open,  
20 on or about the person; or

21 (ii) wear, carry, or knowingly transport a handgun, whether  
22 concealed or open, in a vehicle traveling on a road or parking lot generally used by the  
23 public, highway, waterway, or airway of the State.

24 (2) There is a rebuttable presumption that a person who transports a  
25 handgun under paragraph (1)(ii) of this subsection transports the handgun  
26 knowingly.

1 (b) This section does not prohibit:

2 (1) the wearing, carrying, or transporting of a handgun by a person who  
3 is on active assignment engaged in law enforcement, is authorized at the time and  
4 under the circumstances to wear, carry, or transport the handgun as part of the  
5 person's official equipment, and is:

6 (i) a law enforcement [official] OFFICER of the United States, the  
7 State, or a county or city of the State;

8 (ii) a member of the armed forces of the United States or of the  
9 National Guard on duty or traveling to or from duty;

10 (iii) a law enforcement [official] OFFICER of another state or  
11 subdivision of another state temporarily in this State on official business;

12 (iv) a correctional officer or warden of a correctional facility in the  
13 State;

14 (v) a sheriff or full-time assistant or deputy sheriff of the State; or

15 (vi) a temporary or part-time sheriffs' deputy;

16 (2) THE WEARING, CARRYING, OR TRANSPORTING OF A HANDGUN BY A  
17 LAW ENFORCEMENT OFFICER OF THE UNITED STATES, THE STATE, OR ANY COUNTY  
18 OR CITY OF THE STATE WHO IS OFF DUTY IF:

19 (I) THE LAW ENFORCEMENT OFFICER IS WEARING, CARRYING, OR  
20 TRANSPORTING A HANDGUN IN COMPLIANCE WITH THE RULES AND POLICIES SET  
21 FORTH BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER; AND

22 (II) THE HANDGUN BEING WORN, CARRIED, OR TRANSPORTED HAS  
23 BEEN APPROVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE  
24 OFFICER;

25 [(2)] (3) the wearing, carrying, or transporting of a handgun by a person  
26 to whom a permit to wear, carry, or transport the handgun has been issued under  
27 Title 5, Subtitle 3 of the Public Safety Article;

28 [(3)] (4) the carrying of a handgun on the person or in a vehicle while the  
29 person is transporting the handgun to or from the place of legal purchase or sale, or  
30 to or from a bona fide repair shop, or between bona fide residences of the person, or  
31 between the bona fide residence and place of business of the person, if the business is  
32 operated and owned substantially by the person if each handgun is unloaded and  
33 carried in an enclosed case or an enclosed holster;

34 [(4)] (5) the wearing, carrying, or transporting by a person of a handgun  
35 used in connection with an organized military activity, a target shoot, formal or  
36 informal target practice, sport shooting event, hunting, a Department of Natural  
37 Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience

1 training class or show, while the person is engaged in, on the way to, or returning  
2 from that activity if each handgun is unloaded and carried in an enclosed case or an  
3 enclosed holster;

4           [(5)]   (6)    the moving by a bona fide gun collector of part or all of the  
5 collector's gun collection from place to place for public or private exhibition if each  
6 handgun is unloaded and carried in an enclosed case or an enclosed holster;

7           [(6)]   (7)    the wearing, carrying, or transporting of a handgun by a person  
8 on real estate that the person owns or leases or where the person resides or within the  
9 confines of a business establishment that the person owns or leases;

10           [(7)]   (8)    the wearing, carrying, or transporting of a handgun by a  
11 supervisory employee:

12                   (i)    in the course of employment;

13                   (ii)   within the confines of the business establishment in which the  
14 supervisory employee is employed; and

15                   (iii)   when so authorized by the owner or manager of the business  
16 establishment; or

17           [(8)]   (9)    the carrying or transporting of a signal pistol or other visual  
18 distress signal approved by the United States Coast Guard in a vessel on the  
19 waterways of the State or, if the signal pistol or other visual distress signal is  
20 unloaded and carried in an enclosed case, in a vehicle.

21   (c)   (1)    A person who violates this section is guilty of a misdemeanor and on  
22 conviction is subject to the penalties provided in this subsection.

23           (2)    If the person has not previously been convicted under this section, §  
24 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

25                   (i)    except as provided in item (ii) of this paragraph, the person is  
26 subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine  
27 of not less than \$250 and not exceeding \$2,500 or both; but

28                   (ii)   if it appears from the evidence that the handgun was worn,  
29 carried, or transported on public school property in the State, the person shall be  
30 sentenced to imprisonment for not less than 90 days.

31           (3)    (i)    If the person has previously been convicted once under this  
32 section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, the person shall be  
33 sentenced:

34                                   1.    to imprisonment for not less than 1 year and not exceeding  
35 10 years; but

1 2. if it appears from the evidence that the handgun was  
2 worn, carried, or transported on public school property in the State, to imprisonment  
3 for not less than 3 years and not exceeding 10 years.

4 (ii) The court may not impose less than the applicable minimum  
5 sentence provided under subparagraph (i) of this paragraph.

6 (4) (i) If the person has previously been convicted more than once  
7 under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, or of any  
8 combination of these crimes, the person shall be sentenced:

9 1. to imprisonment for not less than 3 years and not  
10 exceeding 10 years; but

11 2. A. if it appears from the evidence that the handgun was  
12 worn, carried, or transported on public school property in the State, to imprisonment  
13 for not less than 5 years and not exceeding 10 years; or

14 B. if it appears from the evidence that the handgun was  
15 worn, carried, or transported with the deliberate purpose of injuring or killing  
16 another person, to imprisonment for not less than 5 years and not exceeding 10 years.

17 (ii) The court may not impose less than the applicable minimum  
18 sentence provided under subparagraph (i) of this paragraph.

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