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By: **Delegates Kelly, DeBoy, Edwards, Myers, O'Donnell, Owings, and Shank**  
Introduced and read first time: February 2, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Public Safety - Wearing, Carrying, or Transporting Handgun Prohibition -**  
3                                   **Exceptions for Federal Government Police Agencies**

4 FOR the purpose of adding members of certain federal government police agencies to  
5 the definition of a law enforcement official who is exempt from a prohibition  
6 against the wearing, carrying, or transporting of a handgun; and generally  
7 relating to exceptions to the prohibition against the wearing, carrying, or  
8 transporting of a handgun.

9 BY repealing and reenacting, with amendments,  
10 Article - Criminal Law  
11 Section 4-201(d)  
12 Annotated Code of Maryland  
13 (2002 Volume and 2003 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article - Criminal Law  
16 Section 4-203(a), (b), and (c)(1)  
17 Annotated Code of Maryland  
18 (2002 Volume and 2003 Supplement)

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

21                                   **Article - Criminal Law**

22 4-201.

23 (d) "Law enforcement official" means:

24 (1) a full-time member of a police force or other unit of the United  
25 States, a state, a county, a municipal corporation, or other political subdivision of a  
26 state who is responsible for the prevention and detection of crime and the  
27 enforcement of the laws of the United States, a state, a county, a municipal  
28 corporation, or other political subdivision of a state;

1           (2)     a part-time member of a police force of a county or municipal  
2 corporation who is certified by the county or municipal corporation as being trained  
3 and qualified in the use of handguns; [or]

4           (3)     a fire investigator of the Prince George's County Fire Department  
5 who:

6                   (i)     is certified by Prince George's County as being trained and  
7 qualified in the use of handguns; and

8                   (ii)    has met the minimum qualifications and has satisfactorily  
9 completed the training required by the Maryland Police Training Commission; OR

10          (4)     A MEMBER OF THE:

11                   (I)     NATIONAL SECURITY AGENCY POLICE;

12                   (II)    DEPARTMENT OF DEFENSE POLICE;

13                   (III)   U.S. NAVY POLICE;

14                   (IV)   U.S. NAVAL ACADEMY POLICE; AND

15                   (V)     DEPARTMENT OF THE ARMY POLICE.

16 4-203.

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

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

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

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

26          (b)     This section does not prohibit:

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

31                   (i)     a law enforcement official of the United States, the State, or a  
32 county or city of the State;

- 1 (ii) a member of the armed forces of the United States or of the  
2 National Guard on duty or traveling to or from duty;
- 3 (iii) a law enforcement official of another state or subdivision of  
4 another state temporarily in this State on official business;
- 5 (iv) a correctional officer or warden of a correctional facility in the  
6 State;
- 7 (v) a sheriff or full-time assistant or deputy sheriff of the State; or
- 8 (vi) a temporary or part-time sheriffs' deputy;
- 9 (2) the wearing, carrying, or transporting of a handgun by a person to  
10 whom a permit to wear, carry, or transport the handgun has been issued under Title  
11 5, Subtitle 3 of the Public Safety Article;
- 12 (3) the carrying of a handgun on the person or in a vehicle while the  
13 person is transporting the handgun to or from the place of legal purchase or sale, or  
14 to or from a bona fide repair shop, or between bona fide residences of the person, or  
15 between the bona fide residence and place of business of the person, if the business is  
16 operated and owned substantially by the person if each handgun is unloaded and  
17 carried in an enclosed case or an enclosed holster;
- 18 (4) the wearing, carrying, or transporting by a person of a handgun used  
19 in connection with an organized military activity, a target shoot, formal or informal  
20 target practice, sport shooting event, hunting, a Department of Natural  
21 Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience  
22 training class or show, while the person is engaged in, on the way to, or returning  
23 from that activity if each handgun is unloaded and carried in an enclosed case or an  
24 enclosed holster;
- 25 (5) the moving by a bona fide gun collector of part or all of the collector's  
26 gun collection from place to place for public or private exhibition if each handgun is  
27 unloaded and carried in an enclosed case or an enclosed holster;
- 28 (6) the wearing, carrying, or transporting of a handgun by a person on  
29 real estate that the person owns or leases or where the person resides or within the  
30 confines of a business establishment that the person owns or leases;
- 31 (7) the wearing, carrying, or transporting of a handgun by a supervisory  
32 employee:
- 33 (i) in the course of employment;
- 34 (ii) within the confines of the business establishment in which the  
35 supervisory employee is employed; and
- 36 (iii) when so authorized by the owner or manager of the business  
37 establishment; or

1           (8)       the carrying or transporting of a signal pistol or other visual distress  
2 signal approved by the United States Coast Guard in a vessel on the waterways of the  
3 State or, if the signal pistol or other visual distress signal is unloaded and carried in  
4 an enclosed case, in a vehicle.

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

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