
By: **Prince George's County Delegation and Montgomery County
Delegation**

Introduced and read first time: February 11, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Sale and Storage of Firearms**
3 **PG/MC 117-04**

4 FOR the purpose of authorizing the district council for Prince George's County to
5 regulate the sale and storage of certain firearms, ammunition, and components
6 of certain firearms within the portion of the Maryland-Washington Regional
7 District located within Prince George's County; requiring the district council to
8 delegate the authority to regulate the sale and storage of certain firearms,
9 ammunition, and components of certain firearms to a certain municipal
10 corporation on written application by the municipal corporation; creating an
11 exception to the State's preemption of the regulation of the sale and possession
12 of certain firearms; and generally relating to the regulation of the sale and
13 storage of certain firearms, ammunition, and components of certain firearms in
14 Prince George's County.

15 BY adding to
16 Article 28 - Maryland-National Capital Park and Planning Commission
17 Section 8-112.5
18 Annotated Code of Maryland
19 (2003 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article - Criminal Law
22 Section 4-209(a)
23 Annotated Code of Maryland
24 (2002 Volume and 2003 Supplement)

25 BY adding to
26 Article - Criminal Law
27 Section 4-209(e)
28 Annotated Code of Maryland

1 (2002 Volume and 2003 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Public Safety

4 Section 5-104

5 Annotated Code of Maryland

6 (2003 Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 28 - Maryland-National Capital Park and Planning Commission**

10 8-112.5.

11 (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY AND
12 WITHIN THE PORTION OF THE REGIONAL DISTRICT LOCATED WITHIN PRINCE
13 GEORGE'S COUNTY, THE DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY HAS THE
14 AUTHORITY TO REGULATE THE SALE AND STORAGE OF:

15 (1) A HANDGUN AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE;

16 (2) A RIFLE OR SHOTGUN; OR

17 (3) AMMUNITION FOR AND COMPONENTS OF A HANDGUN, RIFLE, OR
18 SHOTGUN.

19 (B) ON WRITTEN APPLICATION BY A MUNICIPAL CORPORATION IN THE
20 REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, THE DISTRICT COUNCIL SHALL
21 DELEGATE TO THE MUNICIPAL CORPORATION THE AUTHORITY TO REGULATE THE
22 SALE AND STORAGE OF:

23 (1) A HANDGUN AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE;

24 (2) A RIFLE OR SHOTGUN; OR

25 (3) AMMUNITION FOR AND COMPONENTS OF A HANDGUN, RIFLE, OR
26 SHOTGUN.

27 **Article - Criminal Law**

28 4-209.

29 (a) Except as otherwise provided in this section, the State preempts the right
30 of a county, municipal corporation, or special taxing district to regulate the purchase,
31 sale, taxation, transfer, manufacture, repair, ownership, possession, and
32 transportation of:

33 (1) a handgun, rifle, or shotgun; and

1 (2) ammunition for and components of a handgun, rifle, or shotgun.

2 (E) IN ACCORDANCE WITH ARTICLE 28, § 8-112.5 OF THE CODE:

3 (1) THE DISTRICT COUNCIL OF PRINCE GEORGE'S COUNTY MAY
4 REGULATE THE SALE AND STORAGE OF:

5 (I) A HANDGUN, RIFLE, OR SHOTGUN; AND

6 (II) AMMUNITION FOR AND COMPONENTS OF A HANDGUN, RIFLE,
7 OR SHOTGUN; AND

8 (2) ON APPLICATION BY A MUNICIPAL CORPORATION IN THE REGIONAL
9 DISTRICT IN PRINCE GEORGE'S COUNTY, THE DISTRICT COUNCIL OF PRINCE
10 GEORGE'S COUNTY SHALL DELEGATE TO THAT MUNICIPAL CORPORATION THE
11 AUTHORITY TO REGULATE THE SALE AND STORAGE OF:

12 (I) A HANDGUN, RIFLE, OR SHOTGUN; AND

13 (II) AMMUNITION FOR AND COMPONENTS OF A HANDGUN, RIFLE,
14 OR SHOTGUN.

15 **Article - Public Safety**

16 5-104.

17 [This] EXCEPT AS PROVIDED IN ARTICLE 28, § 8-112.5 OF THE CODE, THIS
18 subtitle supersedes any restriction that a local jurisdiction in the State imposes on a
19 sale of a regulated firearm, and the State preempts the right of any local jurisdiction
20 to regulate the sale of a regulated firearm.

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