
By: **Delegates Miller, Bates, Boteler, Boutin, Conroy, Dwyer, Fulton,
Impallaria, Krebs, McDonough, McKee, Myers, O'Donnell, Parrott, and
Weir**

Introduced and read first time: February 3, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Transporting Sporting Firearms**

3 FOR the purpose of modifying a certain exemption from the prohibition against the
4 wearing, carrying, or transporting of certain firearms to allow certain stops
5 along the way to and from certain activities; and generally relating to the
6 transport of firearms.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 4-203
10 Annotated Code of Maryland
11 (2002 Volume and 2004 Supplement)

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

14 **Article - Criminal Law**

15 4-203.

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

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

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

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

25 (b) This section does not prohibit:

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

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

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

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

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

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

14 (vi) a temporary or part-time sheriff's deputy;

15 (2) the wearing, carrying, or transporting of a handgun by a person to
16 whom a permit to wear, carry, or transport the handgun has been issued under Title
17 5, Subtitle 3 of the Public Safety Article;

18 (3) the carrying of a handgun on the person or in a vehicle while the
19 person is transporting the handgun to or from the place of legal purchase or sale, or
20 to or from a bona fide repair shop, or between bona fide residences of the person, or
21 between the bona fide residence and place of business of the person, if the business is
22 operated and owned substantially by the person if each handgun is unloaded and
23 carried in an enclosed case or an enclosed holster;

24 (4) the wearing, carrying, or transporting by a person of a handgun used
25 in connection with an organized military activity, a target shoot, formal or informal
26 target practice, sport shooting event, hunting, a Department of Natural
27 Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience
28 training class or show, while the person is engaged in, on the way to, or returning
29 from that activity, INCLUDING REASONABLE STOPS ALONG THE WAY TO OR FROM
30 THE ACTIVITY FOR REST OR REFRESHMENT, if each handgun is unloaded and carried
31 in an enclosed case or an enclosed holster;

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

35 (6) the wearing, carrying, or transporting of a handgun by a person on
36 real estate that the person owns or leases or where the person resides or within the
37 confines of a business establishment that the person owns or leases;

1 (7) the wearing, carrying, or transporting of a handgun by a supervisory
2 employee:

3 (i) in the course of employment;

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

6 (iii) when so authorized by the owner or manager of the business
7 establishment; or

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

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

14 (2) If the person has not previously been convicted under this section, §
15 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

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

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

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

25 1. to imprisonment for not less than 1 year and not exceeding
26 10 years; but

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

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

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

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

