
By: **Senators Stone and Giannetti (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 26, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Wearing or Carrying a Dangerous Weapon - Exceptions**

3 FOR the purpose of establishing a certain limit on the length of the blade of a
4 penknife that is excluded from a certain definition as it relates to a prohibition
5 against wearing or carrying a dangerous weapon; providing that, subject to the
6 right of a certain court to make a certain judgment, a certain provision does not
7 prohibit the carrying of a weapon for purposes of recreation, employment,
8 historical reenactment, or a certain reasonable precaution; and generally
9 relating to the prohibition against wearing or carrying a dangerous weapon.

10 BY repealing and reenacting, with amendments,

11 Article - Criminal Law

12 Section 4-101

13 Annotated Code of Maryland

14 (2002 Volume and 2005 Supplement)

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

17 **Article - Criminal Law**

18 4-101.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Nunchaku" means a device constructed of two pieces of any
21 substance, including wood, metal, or plastic, connected by any chain, rope, leather, or
22 other flexible material not exceeding 24 inches in length.

23 (3) (i) "Pepper mace" means an aerosol propelled combination of
24 highly disabling irritant pepper-based products.

25 (ii) "Pepper mace" is also known as oleoresin capsicum (o.c.) spray.

1 (4) "Star knife" means a device used as a throwing weapon, consisting of
2 several sharp or pointed blades arrayed as radially disposed arms about a central
3 disk.

4 (5) (i) "Weapon" includes a dirk knife, bowie knife, switchblade knife,
5 star knife, sandclub, metal knuckles, razor, and nunchaku.

6 (ii) "Weapon" does not include:

7 1. a handgun; or

8 2. a penknife:

9 A. without a switchblade; AND

10 B. WITH A BLADE NOT EXCEEDING 5 INCHES LONG.

11 (b) This section does not prohibit the following individuals from carrying a
12 weapon:

13 (1) an officer of the State, or of any county or municipal corporation of
14 the State, who is entitled or required to carry the weapon as part of the officer's
15 official equipment, or by any conservator of the peace, who is entitled or required to
16 carry the weapon as part of the conservator's official equipment, or by any officer or
17 conservator of the peace of another state who is temporarily in this State;

18 (2) a special agent of a railroad;

19 (3) a holder of a permit to carry a handgun issued under Title 5, Subtitle
20 3 of the Public Safety Article; or

21 (4) [an individual who carries the weapon as a reasonable precaution
22 against apprehended danger,] subject to the right of the court in an action arising
23 under this section to judge the reasonableness of the carrying of the weapon, and the
24 proper occasion for carrying it, under the evidence in the case, AN INDIVIDUAL WHO
25 CARRIES THE WEAPON:

26 (I) AS A REASONABLE PRECAUTION AGAINST APPREHENDED
27 DANGER;

28 (II) FOR PURPOSES OF RECREATION;

29 (III) FOR PURPOSES OF EMPLOYMENT; OR

30 (IV) FOR PURPOSES OF HISTORICAL REENACTMENT.

31 (c) (1) A person may not wear or carry a dangerous weapon of any kind
32 concealed on or about the person.

1 (2) A person may not wear or carry a dangerous weapon, chemical mace,
2 pepper mace, or a tear gas device openly with the intent or purpose of injuring an
3 individual in an unlawful manner.

4 (3) (i) This paragraph applies in Anne Arundel County, Baltimore
5 County, Caroline County, Cecil County, Harford County, Kent County, Montgomery
6 County, Prince George's County, St. Mary's County, Talbot County, Washington
7 County, and Worcester County.

8 (ii) A minor may not carry a dangerous weapon between 1 hour
9 after sunset and 1 hour before sunrise, whether concealed or not, except while:

10 1. on a bona fide hunting trip; or

11 2. engaged in or on the way to or returning from a bona fide
12 trap shoot, sport shooting event, or any organized civic or military activity.

13 (d) (1) A person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
15 \$1,000 or both.

16 (2) For a person convicted under subsection (c)(1) or (2) of this section, if
17 it appears from the evidence that the weapon was carried, concealed or openly, with
18 the deliberate purpose of injuring or killing another, the court shall impose the
19 highest sentence of imprisonment prescribed.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2006.