E4 8lr1548

By: Senator Stone (By Request - Committee to Revise Article 27 - Crimes and Punishments)

Introduced and read first time: January 25, 2008

Assigned to: Judicial Proceedings

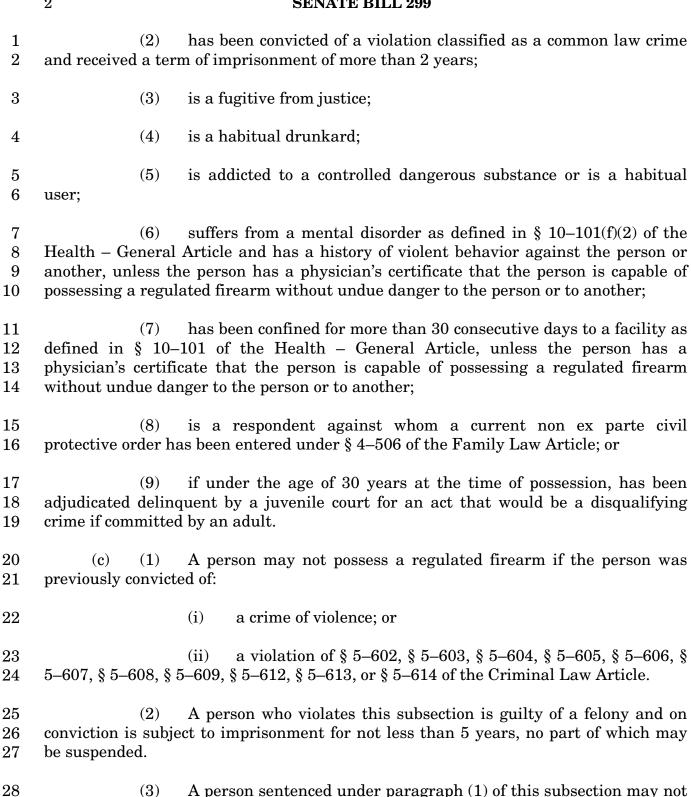
A BILL ENTITLED

1	AN ACT concerning
2	Public Safety - Possession of Regulated Firearm by a Person Under 21 Years - Penalty
4 5 6	FOR the purpose of adding a misdemeanor penalty provision for the possession of a regulated firearm or certain ammunition by a person under a certain age; and generally relating to the possession of a regulated firearm and penalties.
7 8 9 10 11	BY repealing and reenacting, with amendments, Article – Public Safety Section 5–133 Annotated Code of Maryland (2003 Volume and 2007 Supplement)
12 13	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
14	Article - Public Safety
15	5–133.
16 17 18 19	(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the possession by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession of a regulated firearm.
20	(b) A person may not possess a regulated firearm if the person:
21	(1) has been convicted of a disqualifying crime;



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be eligible for parole.



- 30 (4) Each violation of this subsection is a separate crime.
- 31 (d) (1) Except as provided in paragraph (2) of this subsection, a person 32 who is under the age of 21 years may not possess a regulated firearm or ammunition solely designed for a regulated firearm. 33

$\frac{1}{2}$	(2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:
$\frac{3}{4}$	(i) the temporary transfer or possession of a regulated firearm or ammunition solely designed for a regulated firearm if the person is:
5 6 7	1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and
8 9	2. acting with the permission of the parent or legal guardian of the transferee or person in possession;
l0 l1	(ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;
12 13	(iii) a member of the armed forces of the United States or the National Guard while performing official duties;
l4 l5	(iv) the temporary transfer or possession of a regulated firearm or ammunition solely designed for a regulated firearm if the person is:
16 17	1. participating in marksmanship training of a recognized organization; and
18	2. under the supervision of a qualified instructor;
L9 20	(v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or
21 22 23	(vi) the possession of a firearm or ammunition for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.
24 25 26	(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.
27 28	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.