

# HOUSE BILL 1342

E1, E4, L2

9lr0988

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By: **Delegate McDonough**

Introduced and read first time: February 19, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County and Baltimore County - Regulation of Electronic**  
3 **Weapons for Self-Defense**

4 FOR the purpose of establishing that Anne Arundel County and Baltimore County  
5 may not prohibit an adult from using, possessing, or discharging certain  
6 electronic weapons for the purpose of self-defense; defining a certain term; and  
7 generally relating to electronic weapons.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Law  
10 Section 4-209  
11 Annotated Code of Maryland  
12 (2002 Volume and 2008 Supplement)

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

15 **Article - Criminal Law**

16 4-209.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) A county, municipal corporation, or special taxing district may  
2 regulate the purchase, sale, transfer, ownership, possession, and transportation of the  
3 items listed in subsection (a) of this section:

4 (i) with respect to minors;

5 (ii) with respect to law enforcement officials of the subdivision;  
6 and

7 (iii) except as provided in paragraph (2) of this subsection,  
8 within 100 yards of or in a park, church, school, public building, and other place of  
9 public assembly.

10 (2) A county, municipal corporation, or special taxing district may not  
11 prohibit the teaching of or training in firearms safety, or other educational or sporting  
12 use of the items listed in subsection (a) of this section.

13 (c) To the extent that a local law does not create an inconsistency with this  
14 section or expand existing regulatory control, a county, municipal corporation, or  
15 special taxing district may exercise its existing authority to amend any local law that  
16 existed on or before December 31, 1984.

17 (d) (1) Except as provided in paragraph (2) of this subsection, in  
18 accordance with law, a county, municipal corporation, or special taxing district may  
19 regulate the discharge of handguns, rifles, and shotguns.

20 (2) A county, municipal corporation, or special taxing district may not  
21 prohibit the discharge of firearms at established ranges.

22 **(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
23 **THE MEANINGS INDICATED.**

24 **(II) "ELECTRONIC WEAPON" MEANS A PORTABLE DEVICE**  
25 **DESIGNED AS A WEAPON CAPABLE OF INJURING OR IMMOBILIZING AN**  
26 **INDIVIDUAL BY THE DISCHARGE OF ELECTRICAL CURRENT.**

27 **(III) "ELECTRONIC WEAPON" INCLUDES A STUN GUN AND A**  
28 **TASER.**

29 **(2) ANNE ARUNDEL COUNTY AND BALTIMORE COUNTY MAY NOT**  
30 **PROHIBIT AN ADULT FROM USING, POSSESSING, OR DISCHARGING AN**  
31 **ELECTRONIC WEAPON FOR THE PURPOSE OF SELF-DEFENSE.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2009.