

HOUSE BILL 905

E1, D4

0lr1321

By: **Delegates Valderrama, Anderson, Carter, Dumais, Rosenberg, Schuler, Simmons, Smigiel, and Waldstreicher**

Introduced and read first time: February 10, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Prohibitions on Wearing, Carrying, or Transporting**
3 **Firearms – Exceptions**

4 FOR the purpose of establishing an exception to the prohibition against wearing,
5 carrying, or transporting a handgun for a person who is carrying a certain court
6 order if the handgun is unloaded, the person notifies a certain law enforcement
7 unit that the person is transporting the handgun to the unit in accordance with
8 the court order, and the person transports the handgun directly to the unit;
9 prohibiting a local government from prohibiting a person from transporting a
10 certain firearm, ammunition, or firearm component if the person is carrying a
11 certain court order and, if applicable, the firearm is unloaded, the person
12 notifies a certain law enforcement unit that the person is transporting the
13 firearm, ammunition, or firearm component to the unit in accordance with the
14 court order, and the person transports the firearm, ammunition, or firearm
15 component directly to the unit; authorizing a person who lawfully possesses an
16 assault pistol and who is carrying a certain court order to transport the assault
17 pistol if the assault pistol is unloaded, the person notifies a certain law
18 enforcement unit that the person is transporting the assault pistol to the unit in
19 accordance with the court order, and the person transports the assault pistol
20 directly to the unit; authorizing a person who lawfully possesses a machine gun
21 and who is carrying a certain court order to transport the machine gun if the
22 machine gun is unloaded, the person notifies a certain law enforcement unit
23 that the person is transporting the machine gun to the unit in accordance with
24 the court order, and the person transports the machine gun directly to the unit;
25 establishing that, notwithstanding any other law, a respondent against whom a
26 certain protective order has been issued and who is carrying the protective
27 order may transport the firearm if the firearm is unloaded, the person notifies a
28 certain law enforcement unit that the person is transporting the firearm to the
29 unit in accordance with the protective order, and the person transports the
30 firearm directly to the unit; establishing that a respondent who is carrying a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain protective order may transport the regulated firearm if the regulated
2 firearm is unloaded, the person notifies a certain law enforcement unit that the
3 person is transporting the regulated firearm to the unit in accordance with the
4 protective order, and the person transports the regulated firearm directly to the
5 unit; making stylistic changes; and generally relating to exceptions to the
6 prohibitions on wearing, carrying, or transporting firearms.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 4–203(a) and 4–209(a)
10 Annotated Code of Maryland
11 (2002 Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 4–203(b)(7) and (8), 4–303, and 4–402(b)
15 Annotated Code of Maryland
16 (2002 Volume and 2009 Supplement)

17 BY adding to
18 Article – Criminal Law
19 Section 4–203(b)(9) and 4–209(b)(3)
20 Annotated Code of Maryland
21 (2002 Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Family Law
24 Section 4–506.1
25 Annotated Code of Maryland
26 (2006 Replacement Volume and 2009 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Public Safety
29 Section 5–133(b)(8)
30 Annotated Code of Maryland
31 (2003 Volume and 2009 Supplement)

32 BY adding to
33 Article – Public Safety
34 Section 5–133(e)
35 Annotated Code of Maryland
36 (2003 Volume and 2009 Supplement)

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

39 **Article – Criminal Law**

1 4-203.

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

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

6 (ii) wear, carry, or knowingly transport a handgun, whether
7 concealed or open, in a vehicle traveling on a road or parking lot generally used by the
8 public, highway, waterway, or airway of the State;

9 (iii) violate item (i) or (ii) of this paragraph while on public
10 school property in the State; or

11 (iv) violate item (i) or (ii) of this paragraph with the deliberate
12 purpose of injuring or killing another person.

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

15 (b) This section does not prohibit:

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

18 (i) in the course of employment;

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

21 (iii) when so authorized by the owner or manager of the business
22 establishment; [or]

23 (8) the carrying or transporting of a signal pistol or other visual
24 distress signal approved by the United States Coast Guard in a vessel on the
25 waterways of the State or, if the signal pistol or other visual distress signal is
26 unloaded and carried in an enclosed case, in a vehicle; **OR**

27 **(9) THE WEARING, CARRYING, OR TRANSPORTING OF A HANDGUN**
28 **BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER**
29 **OF THE HANDGUN, IF:**

30 **(I) THE HANDGUN IS UNLOADED;**

1 **(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT**
2 **UNIT, BARRACKS, OR STATION THAT THE HANDGUN IS BEING TRANSPORTED IN**
3 **ACCORDANCE WITH THE COURT ORDER; AND**

4 **(III) THE PERSON TRANSPORTS THE HANDGUN DIRECTLY TO**
5 **THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

6 4-209.

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

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

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

13 **(b) (3) A COUNTY, MUNICIPAL CORPORATION, OR SPECIAL TAXING**
14 **DISTRICT MAY NOT PROHIBIT THE TRANSPORTATION OF AN ITEM LISTED IN**
15 **SUBSECTION (A) OF THIS SECTION BY A PERSON WHO IS CARRYING A COURT**
16 **ORDER REQUIRING THE SURRENDER OF THE ITEM, IF:**

17 **(I) THE HANDGUN, RIFLE, OR SHOTGUN IS UNLOADED;**

18 **(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT**
19 **UNIT, BARRACKS, OR STATION THAT THE ITEM IS BEING TRANSPORTED IN**
20 **ACCORDANCE WITH THE COURT ORDER; AND**

21 **(III) THE PERSON TRANSPORTS THE ITEM DIRECTLY TO THE**
22 **LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

23 4-303.

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

25 (1) transport an assault pistol into the State; or

26 (2) possess, sell, offer to sell, transfer, purchase, or receive an assault
27 pistol.

28 (b) A person who lawfully possessed an assault pistol before June 1, 1994,
29 and who registered the assault pistol with the Secretary of [the] State Police before
30 August 1, 1994, may:

31 **(1) continue to possess the assault pistol; OR**

1 **(2) WHILE CARRYING A COURT ORDER REQUIRING THE**
2 **SURRENDER OF THE ASSAULT PISTOL, TRANSPORT THE ASSAULT PISTOL**
3 **DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION IF THE**
4 **PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION**
5 **THAT THE PERSON IS TRANSPORTING THE ASSAULT PISTOL IN ACCORDANCE**
6 **WITH A COURT ORDER AND THE ASSAULT PISTOL IS UNLOADED.**

7 4-402.

8 (b) This subtitle does not prohibit or interfere with:

9 (1) the manufacture, sale, and transportation of a machine gun for or
10 to a military force or peace officer of the United States, a state, or a political
11 subdivision of a state;

12 (2) the possession of a machine gun for a scientific purpose;

13 (3) the possession, as a curiosity, ornament, or keepsake, of a machine
14 gun that cannot be used as a weapon; [or]

15 (4) the possession of a machine gun for a purpose that is manifestly
16 not aggressive or offensive; **OR**

17 **(5) THE TRANSPORTATION OF A LAWFULLY POSSESSED MACHINE**
18 **GUN BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE**
19 **SURRENDER OF THE MACHINE GUN, IF:**

20 **(I) THE MACHINE GUN IS UNLOADED;**

21 **(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT**
22 **UNIT, BARRACKS, OR STATION THAT THE MACHINE GUN IS BEING TRANSPORTED**
23 **IN ACCORDANCE WITH THE COURT ORDER; AND**

24 **(III) THE PERSON TRANSPORTS THE MACHINE GUN**
25 **DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

26 **Article – Family Law**

27 4-506.1.

28 (a) If a respondent surrenders a firearm under § 4-505 or § 4-506 of this
29 subtitle, a law enforcement officer shall:

30 (1) provide to the respondent information on the process for retaking
31 possession of the firearm; and

1 (2) transport and store the firearm in a protective case, if one is
2 available, and in a manner intended to prevent damage to the firearm during the time
3 the protective order is in effect.

4 (b) (1) The respondent may retake possession of the firearm at the
5 expiration of a temporary protective order unless:

6 (i) the respondent is ordered to surrender the firearm in a
7 protective order issued under § 4–506 of this subtitle; or

8 (ii) the respondent is not otherwise legally entitled to own or
9 possess the firearm.

10 (2) The respondent may retake possession of the firearm at the
11 expiration of a final protective order unless:

12 (i) the protective order is extended under § 4–507(a)(2) of this
13 subtitle; or

14 (ii) the respondent is not otherwise legally entitled to own or
15 possess the firearm.

16 **(C) NOTWITHSTANDING ANY OTHER LAW, A RESPONDENT MAY**
17 **TRANSPORT A FIREARM IF THE RESPONDENT IS CARRYING A PROTECTIVE**
18 **ORDER REQUIRING THE SURRENDER OF THE FIREARM AND:**

19 **(I) THE FIREARM IS UNLOADED;**

20 **(II) THE RESPONDENT HAS NOTIFIED THE LAW**
21 **ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING**
22 **TRANSPORTED IN ACCORDANCE WITH THE PROTECTIVE ORDER; AND**

23 **(III) THE PERSON TRANSPORTS THE FIREARM DIRECTLY TO**
24 **THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

25 Article – Public Safety

26 5–133.

27 (b) A person may not possess a regulated firearm if the person:

28 (8) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,**
29 is a respondent against whom a current non ex parte civil protective order has been
30 entered under § 4–506 of the Family Law Article; or

1 **(E) THIS SECTION DOES NOT APPLY TO A RESPONDENT TRANSPORTING**
2 **A REGULATED FIREARM IF THE PERSON IS CARRYING A CIVIL PROTECTIVE**
3 **ORDER REQUIRING THE SURRENDER OF THE REGULATED FIREARM AND:**

4 **(1) THE REGULATED FIREARM IS UNLOADED;**

5 **(2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT**
6 **UNIT, BARRACKS, OR STATION THAT THE REGULATED FIREARM IS BEING**
7 **TRANSPORTED IN ACCORDANCE WITH THE CIVIL PROTECTIVE ORDER; AND**

8 **(3) THE PERSON TRANSPORTS THE REGULATED FIREARM**
9 **DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.