

# HOUSE BILL 905

E1, D4

0lr1321

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

Introduced and read first time: February 10, 2010

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2010

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## CHAPTER \_\_\_\_\_

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;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 establishing that, notwithstanding any other law, a respondent against whom a  
2 certain protective order has been issued and who is carrying the protective  
3 order may transport ~~the~~ a firearm if the firearm is unloaded, the ~~person~~  
4 respondent notifies a certain law enforcement unit that the ~~person~~ respondent  
5 is transporting the firearm to the unit in accordance with the protective order,  
6 and the ~~person~~ respondent transports the firearm directly to the unit;  
7 establishing that a respondent who is carrying a certain protective order may  
8 transport ~~the~~ a regulated firearm if the regulated firearm is unloaded, the  
9 ~~person~~ respondent notifies a certain law enforcement unit that the ~~person~~  
10 respondent is transporting the regulated firearm to the unit in accordance with  
11 the protective order, and the ~~person~~ respondent transports the regulated  
12 firearm directly to the unit; making stylistic changes; and generally relating to  
13 exceptions to the prohibitions on wearing, carrying, or transporting firearms.

14 BY repealing and reenacting, without amendments,  
15 Article – Criminal Law  
16 Section 4–203(a) and 4–209(a)  
17 Annotated Code of Maryland  
18 (2002 Volume and 2009 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Criminal Law  
21 Section 4–203(b)(7) and (8), 4–303, and 4–402(b)  
22 Annotated Code of Maryland  
23 (2002 Volume and 2009 Supplement)

24 BY adding to  
25 Article – Criminal Law  
26 Section 4–203(b)(9) and 4–209(b)(3)  
27 Annotated Code of Maryland  
28 (2002 Volume and 2009 Supplement)

29 BY repealing and reenacting, with amendments,  
30 Article – Family Law  
31 Section 4–506.1  
32 Annotated Code of Maryland  
33 (2006 Replacement Volume and 2009 Supplement)

34 BY repealing and reenacting, with amendments,  
35 Article – Public Safety  
36 Section 5–133(b)(8)  
37 Annotated Code of Maryland  
38 (2003 Volume and 2009 Supplement)

39 BY adding to  
40 Article – Public Safety  
41 Section 5–133(e)

1 Annotated Code of Maryland  
2 (2003 Volume and 2009 Supplement)

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

5 **Article – Criminal Law**

6 4–203.

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

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

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

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

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

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

20 (b) This section does not prohibit:

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

23 (i) in the course of employment;

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

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

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

1           **(9) THE WEARING, CARRYING, OR TRANSPORTING OF A HANDGUN**  
2 **BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER**  
3 **OF THE HANDGUN, IF:**

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

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

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

10 4–209.

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

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

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

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

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

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

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

27 4–303.

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

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

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

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

4 (1) continue to possess the assault pistol; OR

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

11 4-402.

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

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

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

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

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

21 (5) THE TRANSPORTATION OF A LAWFULLY POSSESSED MACHINE  
22 GUN BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE  
23 SURRENDER OF THE MACHINE GUN, IF:

24 (I) THE MACHINE GUN IS UNLOADED;

25 (II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT  
26 UNIT, BARRACKS, OR STATION THAT THE MACHINE GUN IS BEING TRANSPORTED  
27 IN ACCORDANCE WITH THE COURT ORDER; AND

28 (III) THE PERSON TRANSPORTS THE MACHINE GUN  
29 DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

30 Article – Family Law

31 4-506.1.

1 (a) If a respondent surrenders a firearm under § 4–505 or § 4–506 of this  
2 subtitle, a law enforcement officer shall:

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

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

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

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

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

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

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

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

20 (c) NOTWITHSTANDING ANY OTHER LAW, A RESPONDENT MAY  
21 TRANSPORT A FIREARM IF THE RESPONDENT IS CARRYING A PROTECTIVE  
22 ORDER REQUIRING THE SURRENDER OF THE FIREARM AND:

23 ~~(1)~~ (1) THE FIREARM IS UNLOADED;

24 ~~(2)~~ (2) THE RESPONDENT HAS NOTIFIED THE LAW  
25 ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING  
26 TRANSPORTED IN ACCORDANCE WITH THE PROTECTIVE ORDER; AND

27 ~~(3)~~ (3) THE ~~PERSON~~ RESPONDENT TRANSPORTS THE  
28 FIREARM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

29 Article – Public Safety

30 5–133.

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

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

4 (E) THIS SECTION DOES NOT APPLY TO A RESPONDENT TRANSPORTING  
5 A REGULATED FIREARM IF THE ~~PERSON~~ RESPONDENT IS CARRYING A CIVIL  
6 PROTECTIVE ORDER REQUIRING THE SURRENDER OF THE REGULATED  
7 FIREARM AND:

8 (1) THE REGULATED FIREARM IS UNLOADED;

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

12 (3) THE ~~PERSON~~ RESPONDENT TRANSPORTS THE REGULATED  
13 FIREARM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.