

# SENATE BILL 743

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By: **Senator Colburn**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Handguns – Transport in Motor Vehicle by Nonresident**

3 FOR the purpose of establishing that a nonresident may transport an unloaded  
4 handgun in a motor vehicle in the State only for certain purposes and uses  
5 allowed under law and only if the nonresident complies with certain  
6 requirements; making a conforming change; and generally relating to the  
7 transportation of a handgun in a motor vehicle by a nonresident.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 4–203  
11 Annotated Code of Maryland  
12 (2002 Volume and 2009 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 4–203.

17 (a) (1) Except as provided in [subsection] **SUBSECTIONS (b) AND (C)** of  
18 this section, a person may not:

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (b) This section does not prohibit:

8 (1) the wearing, carrying, or transporting of a handgun by a person  
9 who is on active assignment engaged in law enforcement, is authorized at the time and  
10 under the circumstances to wear, carry, or transport the handgun as part of the  
11 person's official equipment, and is:

12 (i) a law enforcement official of the United States, the State, or  
13 a county or city of the State;

14 (ii) a member of the armed forces of the United States or of the  
15 National Guard on duty or traveling to or from duty;

16 (iii) a law enforcement official of another state or subdivision of  
17 another state temporarily in this State on official business;

18 (iv) a correctional officer or warden of a correctional facility in  
19 the State;

20 (v) a sheriff or full-time assistant or deputy sheriff of the State;  
21 or

22 (vi) a temporary or part-time sheriff's deputy;

23 (2) the wearing, carrying, or transporting of a handgun by a person to  
24 whom a permit to wear, carry, or transport the handgun has been issued under Title 5,  
25 Subtitle 3 of the Public Safety Article;

26 (3) the carrying of a handgun on the person or in a vehicle while the  
27 person is transporting the handgun to or from the place of legal purchase or sale, or to  
28 or from a bona fide repair shop, or between bona fide residences of the person, or  
29 between the bona fide residence and place of business of the person, if the business is  
30 operated and owned substantially by the person if each handgun is unloaded and  
31 carried in an enclosed case or an enclosed holster;

32 (4) the wearing, carrying, or transporting by a person of a handgun  
33 used in connection with an organized military activity, a target shoot, formal or  
34 informal target practice, sport shooting event, hunting, a Department of Natural  
35 Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience

1 training class or show, while the person is engaged in, on the way to, or returning from  
2 that activity if each handgun is unloaded and carried in an enclosed case or an  
3 enclosed holster;

4 (5) the moving by a bona fide gun collector of part or all of the  
5 collector's gun collection from place to place for public or private exhibition if each  
6 handgun is unloaded and carried in an enclosed case or an enclosed holster;

7 (6) the wearing, carrying, or transporting of a handgun by a person on  
8 real estate that the person owns or leases or where the person resides or within the  
9 confines of a business establishment that the person owns or leases;

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

12 (i) in the course of employment;

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

15 (iii) when so authorized by the owner or manager of the business  
16 establishment; or

17 (8) the carrying or transporting of a signal pistol or other visual  
18 distress signal approved by the United States Coast Guard in a vessel on the  
19 waterways of the State or, if the signal pistol or other visual distress signal is  
20 unloaded and carried in an enclosed case, in a vehicle.

21 **(C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS**  
22 **SECTION, A NONRESIDENT OF THE STATE MAY TRANSPORT AN UNLOADED**  
23 **HANDGUN IN A MOTOR VEHICLE IN THE STATE ONLY IF:**

24 **(1) THE HANDGUN IS BEING TRANSPORTED FOR A PURPOSE OR**  
25 **USE SPECIFIED IN SUBSECTION (B)(3) THROUGH (8) OF THIS SECTION;**

26 **(2) THE NONRESIDENT HAS IN THE NONRESIDENT'S POSSESSION**  
27 **A PERMIT TO CARRY A HANDGUN ISSUED BY THE NONRESIDENT'S STATE OF**  
28 **RESIDENCE; AND**

29 **(3) THE HANDGUN IS CARRIED:**

30 **(I) IN AN ENCLOSED CASE OR HOLSTER THAT IS SEPARATE**  
31 **FROM ANY CONTAINER OF AMMUNITION FOR THE HANDGUN; AND**

32 **(II) 1. IN THE TRUNK OF THE MOTOR VEHICLE; OR**

1                                   **2. IF THE MOTOR VEHICLE DOES NOT HAVE A**  
2 **TRUNK, IN THE LUGGAGE AREA IN THE EXTREME REAR OF THE MOTOR VEHICLE.**

3           **[(c)] (D)**     (1)    A person who violates this section is guilty of a misdemeanor  
4 and on conviction is subject to the penalties provided in this subsection.

5                           (2)    If the person has not previously been convicted under this section,  
6 § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

7                                   (i)     except as provided in item (ii) of this paragraph, the person  
8 is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine  
9 of not less than \$250 and not exceeding \$2,500 or both; or

10                                   (ii)    if the person violates subsection (a)(1)(iii) of this section, the  
11 person shall be sentenced to imprisonment for not less than 90 days.

12                           (3)    (i)     If the person has previously been convicted once under this  
13 section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

14                                   1.     except as provided in item 2 of this subparagraph, the  
15 person is subject to imprisonment for not less than 1 year and not exceeding 10 years;  
16 or

17                                   2.     if the person violates subsection (a)(1)(iii) of this  
18 section, the person is subject to imprisonment for not less than 3 years and not  
19 exceeding 10 years.

20                                   (ii)    The court may not impose less than the applicable minimum  
21 sentence provided under subparagraph (i) of this paragraph.

22                           (4)    (i)     If the person has previously been convicted more than once  
23 under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any  
24 combination of these crimes:

25                                   1.     except as provided in item (2) of this subparagraph,  
26 the person is subject to imprisonment for not less than 3 years and not exceeding 10  
27 years; or

28                                   2.     A. if the person violates subsection (a)(1)(iii) of this  
29 section, the person is subject to imprisonment for not less than 5 years and not  
30 exceeding 10 years; or

31                                   B.     if the person violates subsection (a)(1)(iv) of this  
32 section, the person is subject to imprisonment for not less than 5 years and not  
33 exceeding 10 years.

1                                   (ii)    The court may not impose less than the applicable minimum  
2 sentence provided under subparagraph (i) of this paragraph.

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