

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 905

(Delegate Valderrama, *et al.*)

Judiciary

Judicial Proceedings

**Criminal Law - Prohibitions on Wearing, Carrying, or Transporting Firearms -
Exceptions**

This bill establishes an exception to the prohibition against wearing, carrying, or transporting a handgun by a person who is carrying a court order to surrender the weapon if the handgun is unloaded, the person has notified law enforcement that the handgun is being transported in accordance with the court order, and the person transports the handgun directly to the law enforcement unit. A similar exception is provided for the transportation of an assault pistol or machine gun for surrender to a law enforcement unit. The bill prohibits a local government from prohibiting a person from transporting a handgun, rifle, or shotgun under the same circumstances.

The bill establishes that, notwithstanding any other law, a respondent against whom a protective order has been issued and who is carrying a court order to surrender a firearm may transport a firearm for surrender to law enforcement, as described above.

Fiscal Summary

State Effect: None. Establishing exceptions to the prohibition against wearing, carrying, or transporting a handgun or other firearm will not affect the operations or finances of the Maryland State Police or the Maryland District Court.

Local Effect: None. The bill does not substantively alter the activities or operations of local law enforcement units or the circuit courts.

Small Business Effect: None.

Analysis

Current Law: Title 5 of the Public Safety Article regulates firearms and handguns in the State. A regulated firearm is any handgun or any of the 45 assault weapons (or copies) identified in that article. Among other restrictions, a person may not possess a regulated firearm in the State if the person was convicted of a crime of violence or a violation of specified controlled dangerous substances offenses. A violator is guilty of a felony and subject to a nonsuspendable, nonparolable mandatory minimum sentence of five years. Each violation of this prohibition is a separate offense. Under a separate prohibition relating to knowing participation of a violation of this title, a violator is subject to maximum penalties of five years imprisonment and/or a fine of \$10,000. Each violation of this prohibition is also a separate offense.

Title 4 of the Criminal Law Article contains provisions relating to the use or possession of a firearm, including prohibitions pertaining to wearing, carrying, or transporting a handgun; the use of a handgun or antique firearm in the commission of a crime; possession of a firearm at a public demonstration; assault pistols; and machine guns.

The State preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of a handgun, rifle, or shotgun, and ammunition for and components of a handgun, rifle, or shotgun.

When issuing a temporary or final protective order, the court may order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany, Harford, Montgomery, and Talbot counties; towns of Bel Air and Leonardtown; City of Salisbury; Baltimore City; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

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ncs/hlb

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