

HOUSE BILL 1321

E4, C2

2lr3214
CF SB 911

By: **Delegate Simmons**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Firearms Regulation by Local Jurisdictions**

3 FOR the purpose of creating a certain exception to the State preemption of the
4 authority of a political subdivision relating to firearms; authorizing a political
5 subdivision to require a certain person to report the purchase of certain
6 firearms; authorizing a political subdivision to require a certain report to
7 include certain information; and generally relating to the regulation of firearms
8 by local jurisdictions.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 4–209
12 Annotated Code of Maryland
13 (2002 Volume and 2011 Supplement)

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

16 **Article – Criminal Law**

17 4–209.

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

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

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

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 (3) A county, municipal corporation, or special taxing district may not
14 prohibit the transportation of an item listed in subsection (a) of this section by a
15 person who is carrying a court order requiring the surrender of the item, if:

16 (i) the handgun, rifle, or shotgun is unloaded;

17 (ii) the person has notified the law enforcement unit, barracks,
18 or station that the item is being transported in accordance with the court order; and

19 (iii) the person transports the item directly to the law
20 enforcement unit, barracks, or station.

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

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

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

30 **(E) (1) A COUNTY, MUNICIPAL CORPORATION, OR SPECIAL TAXING**
31 **DISTRICT MAY REQUIRE BY LAW A PERSON WHO IS ENGAGED IN THE BUSINESS**
32 **OF COMMERCIALY ACQUIRING AND TRADING TANGIBLE PERSONAL PROPERTY**
33 **TO REPORT THE PURCHASE OF A HANDGUN, RIFLE, OR SHOTGUN TO A LAW**
34 **ENFORCEMENT AGENCY.**

1 **(2) A COUNTY, MUNICIPAL CORPORATION, OR SPECIAL TAXING**
2 **DISTRICT MAY REQUIRE A REPORT UNDER THIS SUBSECTION TO INCLUDE**
3 **INFORMATION REGARDING THE FIREARM PURCHASED, THE RECIPIENT OF THE**
4 **ITEM, AND THE DATE OF PURCHASE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2012.