

HOUSE BILL 35

E4, E1

3lr0596

(PRE-FILED)

By: **Delegate K. Kelly**

Requested: October 22, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Wearing, Carrying, or Transporting a Handgun – Active**
3 **Assignment Exception**

4 FOR the purpose of modifying an exception to the prohibition against wearing,
5 carrying, or transporting handguns that limits the exception to a certain person
6 on active assignment engaged in law enforcement; and generally relating to
7 exceptions to the prohibition against wearing, carrying, or transporting a
8 handgun.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Law
11 Section 4–203(a)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 4–203(b)(1)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2012 Supplement)

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

21 **Article – Criminal Law**

22 4–203.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

12 (b) This section does not prohibit:

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

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

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

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

23 (iv) a correctional officer or warden of a correctional facility in
24 the State; **OR**

25 (v) **ON ACTIVE ASSIGNMENT ENGAGED IN LAW**
26 **ENFORCEMENT AND IS:**

27 **1.** a sheriff or full-time assistant or deputy sheriff of the
28 State; or

29 **[(vi)] 2.** a temporary or part-time sheriff's deputy;

30 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
31 October 1, 2013.