

HOUSE BILL 589

E4

3lr1599

By: **Delegates Dwyer, Glass, Hough, Impallaria, K. Kelly, Kipke, McComas, McDermott, McDonough, Parrott, Smigiel, and Stocksdale**

Introduced and read first time: January 31, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms Freedom Act**

3 FOR the purpose of prohibiting a certain public servant or dealer in the State from
4 enforcing or attempting to enforce an act, a law, a statute, a rule, or a
5 regulation of the United States government relating to a personal firearm,
6 firearm accessory, or ammunition that is owned or manufactured commercially
7 or privately in the State and that remains exclusively within the borders of the
8 State; prohibiting an official, agent, or employee of the United States
9 government from enforcing or attempting to enforce an act, an order, a law, a
10 statute, a rule, or a regulation of the United States government on certain
11 firearms, firearm accessories, or ammunition; providing criminal penalties for a
12 violation of this Act; requiring the Attorney General to defend a certain
13 individual; providing that a certain federal law, rule, regulation, or order is
14 unenforceable in the State; defining a certain term; and generally relating to
15 firearms.

16 BY adding to
17 Article – Public Safety
18 Section 5–144
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2012 Supplement)

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

23 **Article – Public Safety**

24 **5–144.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, "PUBLIC SERVANT" MEANS AN OFFICER OR**
2 **EMPLOYEE OF STATE OR LOCAL GOVERNMENT, INCLUDING A LEGISLATOR OR A**
3 **JUDGE, AND ANY PERSON PARTICIPATING, AS JUROR, WITNESS, ADVISOR,**
4 **CONSULTANT OR OTHERWISE, IN PERFORMING A GOVERNMENTAL FUNCTION.**

5 **(B) A PUBLIC SERVANT OR DEALER MAY NOT ENFORCE OR ATTEMPT TO**
6 **ENFORCE AN ACT, A LAW, A STATUTE, A RULE, OR A REGULATION OF THE**
7 **UNITED STATES GOVERNMENT RELATING TO A PERSONAL FIREARM, FIREARM**
8 **ACCESSORY, OR AMMUNITION THAT IS OWNED OR MANUFACTURED**
9 **COMMERCIALY OR PRIVATELY IN THE STATE AND THAT REMAINS**
10 **EXCLUSIVELY WITHIN THE BORDERS OF THE STATE.**

11 **(C) (1) NO OFFICIAL, AGENT, OR EMPLOYEE OF THE UNITED STATES**
12 **GOVERNMENT MAY ENFORCE OR ATTEMPT TO ENFORCE AN ACT, AN ORDER, A**
13 **LAW, A STATUTE, A RULE, OR A REGULATION OF THE UNITED STATES**
14 **GOVERNMENT ON A PERSONAL FIREARM, A FIREARM ACCESSORY, OR**
15 **AMMUNITION THAT IS OWNED OR MANUFACTURED COMMERCIALY OR**
16 **PRIVATELY IN THE STATE AND THAT REMAINS EXCLUSIVELY WITHIN THE**
17 **BORDERS OF THE STATE.**

18 **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
19 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5**
20 **YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

21 **(D) THE ATTORNEY GENERAL SHALL DEFEND A CITIZEN OF THE STATE**
22 **WHO IS PROSECUTED BY THE UNITED STATES GOVERNMENT FOR A VIOLATION**
23 **OF A FEDERAL LAW RELATING TO THE MANUFACTURE, SALE, TRANSFER, OR**
24 **POSSESSION OF A FIREARM, A FIREARM ACCESSORY, OR AMMUNITION OWNED**
25 **OR MANUFACTURED AND RETAINED EXCLUSIVELY WITHIN THE BORDERS OF**
26 **THE STATE.**

27 **(E) A FEDERAL LAW, RULE, REGULATION, OR ORDER CREATED OR**
28 **EFFECTIVE ON OR AFTER JANUARY 1, 2013, IS UNENFORCEABLE IN THE STATE**
29 **IF THE LAW, RULE, REGULATION, OR ORDER PURPORTS TO:**

30 **(1) BAN OR RESTRICT OWNERSHIP OF A SEMI-AUTOMATIC**
31 **FIREARM OR A MAGAZINE OF A FIREARM; OR**

32 **(2) REQUIRE A FIREARM, A MAGAZINE, OR ANY OTHER FIREARM**
33 **ACCESSORY TO BE REGISTERED IN ANY MANNER.**

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