

HOUSE BILL 861

E4, E1

3lr2668

By: **Delegates Stein and Lafferty**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Access to Firearms – Storage Requirements**

3 FOR the purpose of prohibiting a person from storing or leaving a loaded or an
4 unloaded firearm in a location where a child could gain access to the firearm
5 unless the firearm is locked by a certain safety lock or is secured in a certain
6 locked container; altering the penalty for a violation of this Act; defining certain
7 terms; making certain stylistic changes; and generally relating to storage of
8 firearms.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 4–104
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2012 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 4–104.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Ammunition” means a cartridge, shell, or other device containing
20 explosive or incendiary material designed and intended for use in a firearm.

21 (3) “Child” means an individual under the age of 16 years.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) **“EXTERNAL SAFETY LOCK” HAS THE MEANING STATED IN §**
2 **5–132 OF THE PUBLIC SAFETY ARTICLE.**

3 (5) (i) “Firearm” means a handgun, rifle, shotgun,
4 short–barreled rifle, or short–barreled shotgun, as those terms are defined in § 4–201
5 of this title, or any other firearm.

6 (ii) “Firearm” does not include an antique firearm as defined in
7 § 4–201 of this title.

8 (6) **“INTEGRATED MECHANICAL SAFETY DEVICE” HAS THE**
9 **MEANING STATED IN § 5–132 OF THE PUBLIC SAFETY ARTICLE.**

10 (7) **“SAFE STORAGE DEPOSITORY” MEANS A SAFE OR OTHER**
11 **SECURE CONTAINER WHICH, WHEN LOCKED, IS:**

12 (I) **INCAPABLE OF BEING OPENED WITHOUT A KEY, A**
13 **COMBINATION, OR ANY OTHER UNLOCKING MECHANISM; AND**

14 (II) **CAPABLE OF PREVENTING AN UNINTENDED PERSON**
15 **FROM GAINING ACCESS TO THE ITEM LOCATED INSIDE THE SAFE OR**
16 **CONTAINER.**

17 (b) This section does not apply if:

18 (1) the child’s access to a firearm is supervised by an individual at
19 least 18 years old;

20 (2) the child’s access to a firearm was obtained as a result of an
21 unlawful entry;

22 (3) the firearm is in the possession or control of a law enforcement
23 officer while the officer is engaged in official duties; or

24 (4) the child has a certificate of firearm and hunter safety issued
25 under § 10–301.1 of the Natural Resources Article.

26 (c) A person may not store or leave a loaded **OR UNLOADED** firearm in a
27 location where the person knew or should have known that an unsupervised child
28 [would] **COULD** gain access to the firearm, **UNLESS THE FIREARM IS LOCKED:**

29 (1) **BY AN EXTERNAL SAFETY LOCK OR AN INTEGRATED**
30 **MECHANICAL SAFETY DEVICE; OR**

31 (2) **IN A SAFE STORAGE DEPOSITORY.**

1 (d) A person who violates this section is guilty of a misdemeanor and on
2 conviction is subject to **IMPRISONMENT NOT EXCEEDING 2 YEARS OR** a fine not
3 exceeding \$1,000 **OR BOTH**.

4 (e) (1) A violation of this section may not:

5 (i) be considered evidence of negligence;

6 (ii) be considered evidence of contributory negligence;

7 (iii) limit liability of a party or an insurer; or

8 (iv) diminish recovery for damages arising out of the ownership,
9 maintenance, or operation of a firearm or ammunition.

10 (2) A party, witness, or lawyer may not refer to a violation of this
11 section during a trial of a civil action that involves property damage, personal injury,
12 or death.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2013.