

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1518 (Delegate Addison)
Rules and Executive Nominations

Criminal Law - Minor's Access to Firearms - Penalty

This bill establishes an incarceration penalty for a person storing or leaving a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm. The bill alters the penalty from a maximum fine of \$1,000 to imprisonment for up to two years and/or a maximum fine of \$1,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's alteration of penalty provisions. Otherwise, the bill is not expected to materially affect State finances or operations.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's alteration of penalty provisions.

Small Business Effect: None.

Analysis

Current Law:

Access to a Firearm by a Minor

A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm. A violator is guilty of a misdemeanor and subject to a maximum fine of \$1,000.

The prohibition does not apply if:

- the minor's access to a firearm is supervised by an individual at least 18 years old;
- the minor's access to a firearm was obtained as a result of an unlawful entry;
- the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- the minor has a certificate of firearm and hunter safety issued under applicable provisions of the Natural Resources Article.

A violation may not (1) be considered evidence of negligence; (2) be considered evidence of contributory negligence; (3) limit liability of a party or an insurer; or (4) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition. A party, witness, or lawyer may not refer to a violation during a trial of a civil action that involves property damage, personal injury, or death.

Prohibition on Possession – Regulated Firearms

A person may not possess a regulated firearm if the person (1) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article (access to a firearm by a minor) or (2) has been convicted on or after October 1, 2023, of a violation of § 4-104 if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person. In addition, a person who has been convicted on or after October 1, 2023, of a violation of § 4-104 may not possess a regulated firearm for five years following the date of the conviction.

Additional Comments: According to the Judiciary, there were 79 filings and 1 conviction in the District Court for violations of § 4-104 of the Criminal Law Article during fiscal 2024.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Dorchester, and Garrett counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary

(Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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