

HOUSE BILL 131

E1, E4

3lr1299

By: **Delegate Lafferty**

Introduced and read first time: January 17, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Access to Firearms – Penalties**

3 FOR the purpose of prohibiting a person from storing or leaving a loaded or unloaded
4 firearm in a location where certain individuals could gain access to the firearm;
5 altering the penalty for a violation of this Act; making certain stylistic changes;
6 and generally relating to access to firearms.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 4–104
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2012 Supplement)

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

14 **Article – Criminal Law**

15 4–104.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) "Firearm" does not include an antique firearm as defined in
2 § 4-201 of this title.

3 (b) This section does not apply if:

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

6 (2) the child's access to a firearm was obtained as a result of an
7 unlawful entry;

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

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

12 (c) A person may not store or leave a loaded **OR UNLOADED** firearm in a
13 location where the person knew or should have known that an unsupervised child
14 [would] **OR A PERSON WHO IS PROHIBITED BY LAW FROM PURCHASING OR**
15 **POSSESSING A FIREARM COULD** gain access to the firearm.

16 (d) A person who violates this section is guilty of a misdemeanor and on
17 conviction is subject to:

18 **(1) SEIZURE OF THE FIREARM; AND**

19 **(2) IMPRISONMENT NOT EXCEEDING 2 YEARS OR** a fine not
20 exceeding \$1,000 **OR BOTH.**

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

22 (i) be considered evidence of negligence;

23 (ii) be considered evidence of contributory negligence;

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

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

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

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