

Chapter 712

(House Bill 905)

AN ACT concerning

Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions

FOR the purpose of establishing an exception to the prohibition against wearing, carrying, or transporting a handgun for a person who is carrying a certain court order if the handgun is unloaded, the person notifies a certain law enforcement unit that the person is transporting the handgun to the unit in accordance with the court order, and the person transports the handgun directly to the unit; prohibiting a local government from prohibiting a person from transporting a certain firearm, ammunition, or firearm component if the person is carrying a certain court order and, if applicable, the firearm is unloaded, the person notifies a certain law enforcement unit that the person is transporting the firearm, ammunition, or firearm component to the unit in accordance with the court order, and the person transports the firearm, ammunition, or firearm component directly to the unit; authorizing a person who lawfully possesses an assault pistol and who is carrying a certain court order to transport the assault pistol if the assault pistol is unloaded, the person notifies a certain law enforcement unit that the person is transporting the assault pistol to the unit in accordance with the court order, and the person transports the assault pistol directly to the unit; authorizing a person who lawfully possesses a machine gun and who is carrying a certain court order to transport the machine gun if the machine gun is unloaded, the person notifies a certain law enforcement unit that the person is transporting the machine gun to the unit in accordance with the court order, and the person transports the machine gun directly to the unit; establishing that, notwithstanding any other law, a respondent against whom a certain protective order has been issued and who is carrying the protective order may transport ~~the~~ a firearm if the firearm is unloaded, the ~~person~~ respondent notifies a certain law enforcement unit that the ~~person~~ respondent is transporting the firearm to the unit in accordance with the protective order, and the ~~person~~ respondent transports the firearm directly to the unit; establishing that a respondent who is carrying a certain protective order may transport ~~the~~ a regulated firearm if the regulated firearm is unloaded, the ~~person~~ respondent notifies a certain law enforcement unit that the ~~person~~ respondent is transporting the regulated firearm to the unit in accordance with the protective order, and the ~~person~~ respondent transports the regulated firearm directly to the unit; making stylistic changes; and generally relating to exceptions to the prohibitions on wearing, carrying, or transporting firearms.

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 4–203(a) and 4–209(a)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–203(b)(7) and (8), 4–303, and 4–402(b)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Criminal Law
Section 4–203(b)(9) and 4–209(b)(3)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133(b)(8)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – Public Safety
Section 5–133(e)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Article – Criminal Law

4–203.

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

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

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

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

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

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

(b) This section does not prohibit:

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment; [or]

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; **OR**

(9) THE WEARING, CARRYING, OR TRANSPORTING OF A HANDGUN BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE HANDGUN, IF:

(I) THE HANDGUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE HANDGUN IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE HANDGUN DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

4-209.

(a) Except as otherwise provided in this section, the State preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of:

- (1) a handgun, rifle, or shotgun; and
- (2) ammunition for and components of a handgun, rifle, or shotgun.

(b) (3) A COUNTY, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT MAY NOT PROHIBIT THE TRANSPORTATION OF AN ITEM LISTED IN SUBSECTION (A) OF THIS SECTION BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE ITEM, IF:

(I) THE HANDGUN, RIFLE, OR SHOTGUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE ITEM IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE ITEM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

4-303.

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

- (1) transport an assault pistol into the State; or
- (2) possess, sell, offer to sell, transfer, purchase, or receive an assault pistol.

(b) A person who lawfully possessed an assault pistol before June 1, 1994, and who registered the assault pistol with the Secretary of [the] State Police before August 1, 1994, may:

(1) continue to possess the assault pistol; OR

(2) WHILE CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE ASSAULT PISTOL, TRANSPORT THE ASSAULT PISTOL DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION IF THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION

THAT THE PERSON IS TRANSPORTING THE ASSAULT PISTOL IN ACCORDANCE WITH A COURT ORDER AND THE ASSAULT PISTOL IS UNLOADED.

4-402.

(b) This subtitle does not prohibit or interfere with:

(1) the manufacture, sale, and transportation of a machine gun for or to a military force or peace officer of the United States, a state, or a political subdivision of a state;

(2) the possession of a machine gun for a scientific purpose;

(3) the possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon; [or]

(4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive; **OR**

(5) THE TRANSPORTATION OF A LAWFULLY POSSESSED MACHINE GUN BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE MACHINE GUN, IF:

(I) THE MACHINE GUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE MACHINE GUN IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE MACHINE GUN DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

Article – Family Law

4-506.1.

(a) If a respondent surrenders a firearm under § 4-505 or § 4-506 of this subtitle, a law enforcement officer shall:

(1) provide to the respondent information on the process for retaking possession of the firearm; and

(2) transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect.

(b) (1) The respondent may retake possession of the firearm at the expiration of a temporary protective order unless:

(i) the respondent is ordered to surrender the firearm in a protective order issued under § 4–506 of this subtitle; or

(ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(2) The respondent may retake possession of the firearm at the expiration of a final protective order unless:

(i) the protective order is extended under § 4–507(a)(2) of this subtitle; or

(ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(C) NOTWITHSTANDING ANY OTHER LAW, A RESPONDENT MAY TRANSPORT A FIREARM IF THE RESPONDENT IS CARRYING A PROTECTIVE ORDER REQUIRING THE SURRENDER OF THE FIREARM AND:

~~(I)~~ **(1) THE FIREARM IS UNLOADED;**

~~(II)~~ **(2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED IN ACCORDANCE WITH THE PROTECTIVE ORDER; AND**

~~(III)~~ **(3) THE ~~PERSON~~ RESPONDENT TRANSPORTS THE FIREARM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

Article – Public Safety

5–133.

(b) A person may not possess a regulated firearm if the person:

(8) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,** is a respondent against whom a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or

(E) THIS SECTION DOES NOT APPLY TO A RESPONDENT TRANSPORTING A REGULATED FIREARM IF THE ~~PERSON~~ RESPONDENT IS CARRYING A CIVIL

PROTECTIVE ORDER REQUIRING THE SURRENDER OF THE REGULATED FIREARM AND:

- (1) THE REGULATED FIREARM IS UNLOADED;**
- (2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE REGULATED FIREARM IS BEING TRANSPORTED IN ACCORDANCE WITH THE CIVIL PROTECTIVE ORDER; AND**
- (3) THE ~~PERSON~~ RESPONDENT TRANSPORTS THE REGULATED FIREARM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.