

SENATE BILL 441

E4, E1

9lr2175
CF HB 468

By: **Senators Smith, Augustine, Beidle, Benson, Elfreth, Ellis, Feldman, Ferguson, Griffith, Guzzone, Kelley, King, Kramer, Lam, Lee, Peters, Pinsky, Rosapepe, Waldstreicher, Washington, West, Young, Zirkin, and Zucker**

Introduced and read first time: February 1, 2019

Assigned to: Judicial Proceedings

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 unloaded
4 firearm in a location where a child could gain access to the firearm unless the firearm
5 is locked by a certain safety lock or is secured in a certain locked container; altering
6 the penalty for a violation of this Act; defining certain terms; altering a certain
7 definition; 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 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 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] 18 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 of
5 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 MEANING**
9 **STATED IN § 5–132 OF THE PUBLIC SAFETY ARTICLE.**

10 (7) **“SAFE STORAGE DEPOSITORY” MEANS A SAFE OR OTHER SECURE**
11 **CONTAINER THAT, 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 FROM**
15 **GAINING ACCESS TO THE ITEM LOCATED INSIDE THE SAFE OR CONTAINER.**

16 (b) This section does not apply if:

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

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

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

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

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

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

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

1 (d) A person who violates this section is guilty of a misdemeanor and on conviction
2 is subject to **IMPRISONMENT NOT EXCEEDING 2 YEARS OR** a fine not exceeding \$1,000
3 **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 section
11 during a trial of a civil action that involves property damage, personal injury, or death.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2019.