

HOUSE BILL 307

E4, E1, J1

3lr1495
CF SB 858

By: Delegates Bartlett, Stein, Cardin, Crutchfield, Embry, Moon, Simpson, ~~and Williams~~ Williams, Conaway, Kaufman, Pasteur, Phillips, Simmons, Taylor, and Toles

Introduced and read first time: January 25, 2023
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 30, 2023

CHAPTER _____

1 AN ACT concerning

2 **Firearm Safety – Storage Requirements and Youth Suicide Prevention**
3 **(Jaelynn’s Law)**

4 FOR the purpose of altering a certain provision relating to the storage of firearms and
5 ammunition in a location that can be accessed by an unsupervised child; ~~prohibiting~~
6 ~~the storage of firearms and ammunition in a manner that allows access by a certain~~
7 ~~person who is prohibited from possessing a firearm; repealing a certain provision~~
8 ~~relating to negligence~~; requiring the Deputy Secretary for Public Health Services to
9 develop a youth suicide prevention and firearm safe storage guide, with
10 recommendations from a stakeholder committee; and generally relating to the
11 storage of firearms and youth suicide prevention.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 4–104
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2022 Supplement)

17 BY adding to
18 Article – Health – General
19 Section 13–39A–01 to be under the new subtitle “Subtitle 39A. Youth Suicide
20 Prevention and Firearm Safe Storage”
21 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 5–133

Annotated Code of Maryland

(2022 Replacement Volume)

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

Article – Criminal Law

4–104.

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

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

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

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

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

~~(4) “PROHIBITED PERSON” MEANS AN INDIVIDUAL WHO IS PROHIBITED FROM POSSESSING A FIREARM UNDER:~~

~~(I) § 5–133 OF THE PUBLIC SAFETY ARTICLE;~~

~~(II) § 5–205 OF THE PUBLIC SAFETY ARTICLE; OR~~

~~(III) ANY OTHER FEDERAL, STATE, OR LOCAL LAW.~~

(b) This section does not apply if:

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

(2) the [child’s] ~~PROHIBITED PERSON’S OR~~ MINOR’S access to a firearm was obtained as a result of an unlawful entry;

1 (3) the firearm is in the possession or control of a law enforcement officer
2 while the officer is engaged in official duties; ~~[or]~~

3 (4) ~~THE PERSON WHO STORES OR LEAVES THE FIREARM STORES OR~~
4 ~~LEAVES:~~

5 ~~(I) THE FIREARM UNLOADED;~~

6 ~~(II) ANY AMMUNITION THAT THE PERSON OWNS OR CONTROLS~~
7 ~~THAT IS SUITABLE FOR USE IN THE FIREARM IN A SECURE LOCATION WHERE A~~
8 ~~PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE~~
9 ~~AMMUNITION; AND~~

10 ~~(III) THE FIREARM:~~

11 ~~1. SECURED IN A LOCKED CONTAINER THAT IS~~
12 ~~EQUIPPED WITH A TAMPER RESISTANT LOCK; OR~~

13 ~~2. RENDERED INOPERABLE TO ANYONE OTHER THAN AN~~
14 ~~AUTHORIZED ADULT; OR~~

15 ~~(5) FOR A RIFLE OR SHOTGUN, the [child] MINOR:~~

16 ~~(I) has a certificate of firearm and hunter safety issued under §~~
17 ~~10-301.1 of the Natural Resources Article; AND~~

18 ~~(II) HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR'S~~
19 ~~PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF~~
20 ~~ENGAGING IN A LAWFUL ACTIVITY.~~

21 (c) ~~(1)~~ A person may not store or leave a ~~[loaded]~~ firearm in a location where
22 the person knew or ~~REASONABLY~~ should have known that ~~A PROHIBITED PERSON OR~~
23 an unsupervised ~~[child would] MINOR IS LIKELY TO~~ ~~[gain]~~ HAS access to the firearm.

24 ~~(2) A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION~~
25 ~~WHERE:~~

26 ~~(I) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN~~
27 ~~THAT A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO GAIN~~
28 ~~ACCESS TO THE FIREARM; AND~~

29 ~~(II) A PROHIBITED PERSON OR AN UNSUPERVISED MINOR DOES~~
30 ~~GAIN ACCESS TO THE FIREARM.~~

1 ~~(3) A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION~~
 2 ~~WHERE:~~

3 ~~(I) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN~~
 4 ~~THAT A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO GAIN~~
 5 ~~ACCESS TO THE FIREARM;~~

6 ~~(II) A PROHIBITED PERSON OR AN UNSUPERVISED MINOR DOES~~
 7 ~~GAIN ACCESS TO THE FIREARM; AND~~

8 ~~(III) THE PROHIBITED PERSON'S OR MINOR'S ACCESS TO THE~~
 9 ~~FIREARM RESULTS IN HARM TO THE PROHIBITED PERSON, THE MINOR, OR ANOTHER~~
 10 ~~PERSON.~~

11 (d) ~~(1)~~ A person who violates ~~SUBSECTION (C)(1) OF~~ this section is guilty of
 12 a misdemeanor and on conviction is subject to ~~IMPRISONMENT NOT EXCEEDING 90 DAYS~~
 13 ~~OR~~ a fine not exceeding \$1,000 ~~OR BOTH.~~

14 ~~(2) A PERSON WHO VIOLATES SUBSECTION (C)(2) OF THIS SECTION IS~~
 15 ~~GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT~~
 16 ~~NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.~~

17 ~~(3) A PERSON WHO VIOLATES SUBSECTION (C)(3) OF THIS SECTION IS~~
 18 ~~GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT~~
 19 ~~NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.~~

20 ~~[(e)~~ (1) A violation of this section may not:
 21 (i) be considered evidence of negligence;
 22 (ii) be considered evidence of contributory negligence;
 23 (iii) limit liability of a party or an insurer; or
 24 (iv) diminish recovery for damages arising out of the ownership,
 25 maintenance, or operation of a firearm or ammunition.

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

28 Article – Health – General

29 SUBTITLE 39A. YOUTH SUICIDE PREVENTION AND FIREARM SAFE STORAGE.

30 13-39A-01.

1 (A) IN THIS SECTION, "GUIDE" MEANS THE YOUTH SUICIDE PREVENTION
2 AND FIREARM SAFE STORAGE GUIDE DEVELOPED UNDER SUBSECTION (B) OF THIS
3 SECTION.

4 (B) ON OR BEFORE JANUARY 1, 2024, THE DEPUTY SECRETARY FOR
5 PUBLIC HEALTH SERVICES SHALL DEVELOP A YOUTH SUICIDE PREVENTION AND
6 FIREARM SAFE STORAGE GUIDE.

7 (C) THE GUIDE DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION
8 SHALL:

9 (1) PROVIDE A DESCRIPTION OF THE FIREARM AND AMMUNITION
10 REQUIREMENTS ~~ESTABLISHED UNDER § 4-104(B)(4) AND (5) OF THE CRIMINAL LAW~~
11 ARTICLE FOR SAFELY STORING FIREARMS UNDER STATE LAW;

12 (2) IDENTIFY THE RISKS ASSOCIATED WITH UNSAFE FIREARM
13 STORAGE FOR MINORS, INCLUDING:

14 (I) SUICIDE;

15 (II) DEATH OR SERIOUS BODILY INJURY FROM ACCIDENTAL
16 DISCHARGE; AND

17 (III) SHOOTING INCIDENTS INVOLVING MINORS; AND

18 (3) INCORPORATE BEST PRACTICES FOR FIREARM AND AMMUNITION
19 SAFE STORAGE.

20 (D) THE DEPARTMENT SHALL:

21 (1) POST THE GUIDE ON ITS WEBSITE;

22 (2) MAKE AN ELECTRONIC VERSION OF THE GUIDE AVAILABLE TO
23 FAMILIES, HEALTH AND SOCIAL SERVICES PROVIDERS, AND ANY OTHER ENTITIES
24 THAT HAVE AN INTEREST IN YOUTH SUICIDE PREVENTION OR FIREARMS STORAGE,
25 INCLUDING:

26 (I) BEHAVIORAL HEALTH PROGRAMS;

27 (II) THE DEPARTMENT OF JUVENILE SERVICES;

28 (III) FIREARMS DEALERS LICENSED BY THE FEDERAL
29 GOVERNMENT;

(IV) LOCAL HEALTH DEPARTMENTS;

(V) LOCAL SCHOOL SYSTEMS;

(VI) THE MARYLAND ASSOCIATION OF NONPUBLIC SPECIAL EDUCATION FACILITIES;

(VII) THE MARYLAND ASSOCIATION OF YOUTH SERVICE BUREAUS;

(VIII) STATE AND LOCAL LAW ENFORCEMENT AGENCIES; ~~AND~~

(IX) THE STATE DEPARTMENT OF EDUCATION; AND

(X) INSTRUCTORS WHO HAVE BEEN LICENSED OR CERTIFIED BY THE DEPARTMENT OF STATE POLICE TO TEACH FIREARM SAFETY TRAINING COURSES; AND

(3) PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS, LOCAL HEALTH DEPARTMENTS, AND NONPROFIT AGENCIES TO SUPPORT THE EDUCATION OF FAMILIES ON THE SAFE STORAGE PRACTICES RECOMMENDED IN THE GUIDE.

~~(E) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$1,000,000 TO THE DEPARTMENT FOR:~~

~~(1) THE DEVELOPMENT OF THE GUIDE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION; AND~~

~~(2) THE FUNDING OF GRANTS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.~~

Article – Public Safety

5–133.

(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the possession by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession of a regulated firearm.

(b) Subject to § 5–133.3 of this subtitle, a person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

1 (2) has been convicted of a violation classified as a common law crime and
2 received a term of imprisonment of more than 2 years;

3 (3) (I) HAS BEEN CONVICTED ON OR AFTER OCTOBER 1, 2023, OF
4 A SECOND OR SUBSEQUENT VIOLATION OF § 4-104 OF THE CRIMINAL LAW ARTICLE;
5 OR

6 (II) HAS BEEN CONVICTED ON OR AFTER OCTOBER 1, 2023, OF
7 A VIOLATION OF § 4-104 OF THE CRIMINAL LAW ARTICLE IF THE VIOLATION
8 RESULTED IN THE USE OF A LOADED FIREARM BY A MINOR CAUSING DEATH OR
9 SERIOUS BODILY INJURY TO THE MINOR OR ANOTHER PERSON;

10 [(3)] (4) is a fugitive from justice;

11 [(4)] (5) is a habitual drunkard;

12 [(5)] (6) is addicted to a controlled dangerous substance or is a habitual
13 user;

14 [(6)] (7) suffers from a mental disorder as defined in § 10-101(i)(2) of the
15 Health – General Article and has a history of violent behavior against the person or
16 another;

17 [(7)] (8) has been found incompetent to stand trial under § 3-106 of the
18 Criminal Procedure Article;

19 [(8)] (9) has been found not criminally responsible under § 3-110 of the
20 Criminal Procedure Article;

21 [(9)] (10) has been voluntarily admitted for more than 30 consecutive days
22 to a facility as defined in § 10-101 of the Health – General Article;

23 [(10)] (11) has been involuntarily committed to a facility as defined in §
24 10-101 of the Health – General Article;

25 [(11)] (12) is under the protection of a guardian appointed by a court under
26 § 13-201(c) or § 13-705 of the Estates and Trusts Article, except for cases in which the
27 appointment of a guardian is solely a result of a physical disability;

28 [(12)] (13) except as provided in subsection (e) of this section, is a
29 respondent against whom;

30 (i) a current non ex parte civil protective order has been entered
31 under § 4-506 of the Family Law Article; or

1 (ii) an order for protection, as defined in § 4–508.1 of the Family Law
2 Article, has been issued by a court of another state or a Native American tribe and is in
3 effect; or

4 [(13)] (14) if under the age of 30 years at the time of possession, has been
5 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if
6 committed by an adult.

7 (c) (1) A person may not possess a regulated firearm if the person was
8 previously convicted of:

9 (i) a crime of violence;

10 (ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, §
11 5–613, § 5–614, § 5–621, or § 5–622 of the Criminal Law Article; or

12 (iii) an offense under the laws of another state or the United States
13 that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed
14 in this State.

15 (2) (i) Subject to paragraph (3) of this subsection, a person who violates
16 this subsection is guilty of a felony and on conviction is subject to imprisonment for not less
17 than 5 years and not exceeding 15 years.

18 (ii) The court may not suspend any part of the mandatory minimum
19 sentence of 5 years.

20 (iii) Except as otherwise provided in § 4–305 of the Correctional
21 Services Article, the person is not eligible for parole during the mandatory minimum
22 sentence.

23 (3) At the time of the commission of the offense, if a period of more than 5
24 years has elapsed since the person completed serving the sentence for the most recent
25 conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment,
26 mandatory supervision, probation, and parole:

27 (i) the imposition of the mandatory minimum sentence is within the
28 discretion of the court; and

29 (ii) the mandatory minimum sentence may not be imposed unless
30 the State’s Attorney notifies the person in writing at least 30 days before trial of the State’s
31 intention to seek the mandatory minimum sentence.

32 (4) Each violation of this subsection is a separate crime.

1 (5) A person convicted under this subsection is not prohibited from
2 participating in a drug treatment program under § 8-507 of the Health – General Article
3 because of the length of the sentence.

4 (d) (1) Except as provided in paragraph (2) of this subsection, a person who is
5 under the age of 21 years may not possess a regulated firearm.

6 (2) Unless a person is otherwise prohibited from possessing a regulated
7 firearm, this subsection does not apply to:

8 (i) the temporary transfer or possession of a regulated firearm if the
9 person is:

10 1. under the supervision of another who is at least 21 years
11 old and who is not prohibited by State or federal law from possessing a firearm; and

12 2. acting with the permission of the parent or legal guardian
13 of the transferee or person in possession;

14 (ii) the transfer by inheritance of title, and not of possession, of a
15 regulated firearm;

16 (iii) a member of the armed forces of the United States or the
17 National Guard while performing official duties;

18 (iv) the temporary transfer or possession of a regulated firearm if the
19 person is:

20 1. participating in marksmanship training of a recognized
21 organization; and

22 2. under the supervision of a qualified instructor;

23 (v) a person who is required to possess a regulated firearm for
24 employment and who holds a permit under Subtitle 3 of this title; or

25 (vi) the possession of a firearm for self-defense or the defense of
26 others against a trespasser into the residence of the person in possession or into a residence
27 in which the person in possession is an invited guest.

28 (e) This section does not apply to a respondent transporting a regulated firearm
29 if the respondent is carrying a civil protective order requiring the surrender of the regulated
30 firearm and:

31 (1) the regulated firearm is unloaded;

1 (2) the respondent has notified the law enforcement unit, barracks, or
2 station that the regulated firearm is being transported in accordance with the civil
3 protective order; and

4 (3) the respondent transports the regulated firearm directly to the law
5 enforcement unit, barracks, or station.

6 (f) This section does not apply to the carrying or transporting of a regulated
7 firearm by a person who is carrying a court order requiring the surrender of the regulated
8 firearm, if:

9 (1) the firearm is unloaded;

10 (2) the person has notified a law enforcement unit, barracks, or station that
11 the firearm is being transported in accordance with the order; and

12 (3) the person transports the firearm directly to a State or local law
13 enforcement agency or a federally licensed firearms dealer.

14 **(G) SUBJECT TO SUBSECTION (B)(3) OF THIS SECTION, A PERSON WHO HAS**
15 **BEEN CONVICTED ON OR AFTER OCTOBER 1, 2023, OF A VIOLATION OF § 4-104 OF**
16 **THE CRIMINAL LAW ARTICLE MAY NOT POSSESS A REGULATED FIREARM FOR 5**
17 **YEARS FOLLOWING THE DATE OF THE CONVICTION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That:

19 (a) The Deputy Secretary for Public Health Services shall establish a stakeholder
20 advisory committee to make recommendations regarding the development of the youth
21 suicide prevention and firearm safe storage guide under § 13-39A-01 of the
22 Health – General Article, as enacted by Section 1 of this Act.

23 (b) The stakeholder advisory committee established under subsection (a) of this
24 section shall include:

25 (1) behavioral health practitioners;

26 (2) experts on best practices for firearm and ammunition storage;

27 (3) families impacted by the risk of suicide by minors;

28 (4) health care professionals; and

29 (5) youth advocates.

30 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
31 2024, December 31, 2025, and December 31, 2026, the Deputy Secretary for Public Health
32 Services shall report to the General Assembly, in accordance with § 2-1257 of the State

1 Government Article, on the implementation of this Act, including how State and local
2 agencies have distributed the youth suicide prevention and firearm safe storage guide
3 developed under § 13-39A-01 of the Health – General Article, as enacted by Section 1 of
4 this Act.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.