

# SENATE BILL 858

E4, E1, J1

(3lr1496)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Smith**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of ~~altering the prohibition on reckless endangerment;~~ altering a certain  
5 provision relating to the storage of firearms and ammunition in a location that can  
6 be accessed by an unsupervised child; ~~prohibiting the storage of firearms and~~  
7 ~~ammunition in a manner that allows access by a certain person who is prohibited~~  
8 ~~from possessing a firearm; repealing a certain provision relating to negligence;~~  
9 requiring the Deputy Secretary for Public Health Services to develop a youth suicide  
10 prevention and firearm safe storage guide, with recommendations from a  
11 stakeholder committee; ~~authorizing a credit against the State income tax for the~~  
12 ~~purchase of certain firearm safety devices during the taxable year; making the credit~~  
13 ~~refundable;~~ and generally relating to the storage of firearms and youth suicide  
14 prevention.

---

#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY repealing and reenacting, with amendments,  
 2 Article – Criminal Law  
 3 Section ~~3–204 and~~ 4–104  
 4 Annotated Code of Maryland  
 5 (2021 Replacement Volume and 2022 Supplement)

6 BY adding to  
 7 Article – Health – General  
 8 Section 13–39A–01 to be under the new subtitle “Subtitle 39A. Youth Suicide  
 9 Prevention and Firearm Safe Storage”  
 10 Annotated Code of Maryland  
 11 (2019 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,  
 13 Article – Public Safety  
 14 Section 5–133  
 15 Annotated Code of Maryland  
 16 (2022 Replacement Volume)

17 ~~BY adding to~~  
 18 ~~Article – Tax – General~~  
 19 ~~Section 10–757~~  
 20 ~~Annotated Code of Maryland~~  
 21 ~~(2022 Replacement Volume)~~

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

24 **Article – Criminal Law**

25 ~~4–104.~~

26 ~~(a) (1) In this section the following words have the meanings indicated:~~

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

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

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

33 ~~(ii) “Firearm” does not include an antique firearm as defined in §~~  
 34 ~~4–201 of this title.~~

1           ~~(4) "PROHIBITED PERSON" MEANS AN INDIVIDUAL WHO IS~~  
2 ~~PROHIBITED FROM POSSESSING A FIREARM UNDER:~~

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

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

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

6           ~~(b) This section does not apply if:~~

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

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

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

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

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

16           ~~(II) ANY AMMUNITION THAT THE PERSON OWNS OR CONTROLS~~  
17 ~~THAT IS SUITABLE FOR USE IN THE FIREARM IN A SECURE LOCATION WHERE A~~  
18 ~~PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE~~  
19 ~~AMMUNITION; AND~~

20           ~~(III) THE FIREARM:~~

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

23           ~~2. RENDERED INOPERABLE TO ANYONE OTHER THAN AN~~  
24 ~~AUTHORIZED ADULT; OR~~

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

26           ~~(I) has a certificate of firearm and hunter safety issued under §~~  
27 ~~10-301.1 of the Natural Resources Article; AND~~

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

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

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

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

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

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

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

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

~~(iii) THE PROHIBITED PERSON'S OR MINOR'S ACCESS TO THE FIREARM RESULTS IN HARM TO THE PROHIBITED PERSON, THE MINOR, OR ANOTHER PERSON.~~

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

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

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

1 ~~[(c) (1) A violation of this section may not:~~

2 ~~(i) be considered evidence of negligence;~~

3 ~~(ii) be considered evidence of contributory negligence;~~

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

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

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

9 ~~§ 204.~~

10 ~~(a) A person may not recklessly:~~

11 ~~(1) engage in conduct that creates a substantial risk of death or serious~~  
12 ~~physical injury to another; [or]~~

13 ~~(2) discharge a firearm from a motor vehicle in a manner that creates a~~  
14 ~~substantial risk of death or serious physical injury to another; OR~~

15 ~~(3) (I) LEAVE OR STORE A LOADED FIREARM IN A LOCATION~~  
16 ~~WHERE THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT AN~~  
17 ~~UNSUPERVISED MINOR OR A PERSON PROHIBITED FROM POSSESSING A FIREARM~~  
18 ~~UNDER STATE OR FEDERAL LAW HAS ACCESS TO THE FIREARM; OR~~

19 ~~(II) LEAVE OR STORE A FIREARM IN A LOCATION WHERE THE~~  
20 ~~PERSON KNOWS OR REASONABLY SHOULD KNOW THAT AN UNSUPERVISED MINOR~~  
21 ~~OR A PERSON PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR~~  
22 ~~FEDERAL LAW HAS READY ACCESS TO THE FIREARM AND AMMUNITION FOR THE~~  
23 ~~FIREARM.~~

24 ~~(b) A person who violates this section is guilty of the misdemeanor of reckless~~  
25 ~~endangerment and on conviction is subject to imprisonment not exceeding 5 years or a fine~~  
26 ~~not exceeding \$5,000 or both.~~

27 ~~(c) (1) Subsection (a)(1) of this section does not apply to conduct involving:~~

28 ~~(i) the use of a motor vehicle, as defined in § 11-135 of the~~  
29 ~~Transportation Article; or~~

30 ~~(ii) the manufacture, production, or sale of a product or commodity.~~

~~(2) Subsection (a)(2) of this section does not apply to:~~

~~(i) a law enforcement officer or security guard in the performance of an official duty; or~~

~~(ii) an individual acting in defense of a crime of violence as defined in § 5-101 of the Public Safety Article.~~

~~(3) SUBSECTION (A)(3) OF THIS SECTION DOES NOT APPLY IF:~~

~~(I) THE MINOR ACCESSES A FIREARM FOR SELF-DEFENSE OR THE DEFENSE OF OTHERS AGAINST A TRESPASSER INTO THE RESIDENCE OF THE MINOR OR INTO A RESIDENCE IN WHICH THE MINOR IS AN INVITED GUEST; OR~~

~~(II) 1. THE FIREARM IS A SHOTGUN OR A RIFLE;~~

~~2. THE MINOR IS NOT OTHERWISE PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW; AND~~

~~3. A. THE MINOR HAS A CERTIFICATE OF FIREARM AND HUNTER SAFETY ISSUED UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE; OR~~

~~3. B. THE MINOR HAS PERMISSION FROM THE MINOR'S PARENT OR GUARDIAN WHO IS AT LEAST 18 YEARS OLD TO ACCESS THE FIREARM; AND~~

~~4. THE MINOR IS NOT OTHERWISE PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL 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.

1 (b) This section does not apply if:

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

4 (2) the [child's] MINOR'S access to a firearm was obtained as a result of an  
5 unlawful entry;

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

8 (4) ~~A MINOR ACCESSES A FIREARM FOR SELF DEFENSE OR THE~~  
9 ~~DEFENSE OF OTHERS AGAINST A TRESPASSER INTO THE RESIDENCE OF THE MINOR~~  
10 ~~OR INTO A RESIDENCE IN WHICH THE MINOR IS AN INVITED GUEST; OR~~

11 (5) (I) ~~THE FIREARM IS A SHOTGUN OR A RIFLE;~~

12 (II) ~~THE MINOR IS NOT OTHERWISE PROHIBITED FROM~~  
13 ~~POSSESSING THE FIREARM UNDER STATE OR FEDERAL LAW; AND~~

14 (III) ~~1. the [child] MINOR has a certificate of firearm and hunter~~  
15 ~~safety issued under § 10-301.1 of the Natural Resources Article; OR~~

16 (III) ~~2. THE MINOR HAS PERMISSION FROM THE MINOR'S~~  
17 ~~PARENT OR GUARDIAN WHO IS AT LEAST 18 YEARS OLD TO ACCESS THE FIREARM;~~  
18 ~~AND~~

19 (IV) ~~THE MINOR IS NOT OTHERWISE PROHIBITED FROM~~  
20 ~~POSSESSING THE FIREARM UNDER STATE OR FEDERAL LAW; OR~~

21 (5) ~~A MINOR ACCESSES A FIREARM FOR SELF DEFENSE OR THE~~  
22 ~~DEFENSE OF OTHERS AGAINST A TRESPASSER INTO THE RESIDENCE OF THE MINOR~~  
23 ~~OR INTO A RESIDENCE IN WHICH THE MINOR IS AN INVITED GUEST.~~

24 (c) A person may not store or leave:

25 (1) a ~~loaded~~ firearm in a location where the person knew or should have  
26 known that an unsupervised [child] MINOR ~~OR A PERSON PROHIBITED FROM~~  
27 ~~POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW~~ would gain HAS access to the  
28 firearm; ~~OR~~

29 (2) ~~A FIREARM IN A LOCATION WHERE THE PERSON KNEW OR SHOULD~~  
30 ~~HAVE KNOWN THAT AN UNSUPERVISED MINOR OR A PERSON PROHIBITED FROM~~

~~POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW HAS READY ACCESS TO THE  
FIREARM AND AMMUNITION FOR THE FIREARM.~~

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

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

(i) be considered evidence of negligence;

(ii) be considered evidence of contributory negligence;

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

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

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

~~(E) (1) A CONVICTION UNDER THIS SECTION MAY NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.~~

~~(2) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.~~

## Article – Health – General

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

#### 13-39A-01.

(A) IN THIS SECTION, “GUIDE” MEANS THE YOUTH SUICIDE PREVENTION AND FIREARM SAFE STORAGE GUIDE DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.

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

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



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

4           **(2) IDENTIFY THE RISKS ASSOCIATED WITH UNSAFE FIREARM**  
5 **STORAGE FOR MINORS, INCLUDING:**

6                   **(I) SUICIDE;**

7                   **(II) DEATH OR SERIOUS BODILY INJURY FROM ACCIDENTAL**  
8 **DISCHARGE; AND**

9                   **(III) SHOOTING INCIDENTS INVOLVING MINORS; AND**

10           **(3) INCORPORATE BEST PRACTICES FOR FIREARM AND AMMUNITION**  
11 **SAFE STORAGE.**

12           **(D) THE DEPARTMENT SHALL:**

13                   **(1) POST THE GUIDE ON ITS WEBSITE;**

14                   **(2) MAKE AN ELECTRONIC VERSION OF THE GUIDE AVAILABLE TO**  
15 **FAMILIES, HEALTH AND SOCIAL SERVICES PROVIDERS, AND ANY OTHER ENTITIES**  
16 **THAT HAVE AN INTEREST IN YOUTH SUICIDE PREVENTION OR FIREARMS STORAGE,**  
17 **INCLUDING:**

18                           **(I) BEHAVIORAL HEALTH PROGRAMS;**

19                           **(II) THE DEPARTMENT OF JUVENILE SERVICES;**

20                           **(III) FIREARMS DEALERS LICENSED BY THE FEDERAL**  
21 **GOVERNMENT;**

22                           **(IV) LOCAL HEALTH DEPARTMENTS;**

23                           **(V) LOCAL SCHOOL SYSTEMS;**

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

26                           **(VII) THE MARYLAND ASSOCIATION OF YOUTH SERVICE**  
27 **BUREAUS;**

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

1 (IX) THE STATE DEPARTMENT OF EDUCATION; AND

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

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

8 Article – Public Safety

9 5–133.

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

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

15 (1) has been convicted of a disqualifying crime;

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

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

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

25 [(3)] (4) is a fugitive from justice;

26 [(4)] (5) is a habitual drunkard;

27 [(5)] (6) is addicted to a controlled dangerous substance or is a habitual  
 28 user;

1 [(6)] (7) suffers from a mental disorder as defined in § 10–101(i)(2) of the  
2 Health – General Article and has a history of violent behavior against the person or  
3 another;

4 [(7)] (8) has been found incompetent to stand trial under § 3–106 of the  
5 Criminal Procedure Article;

6 [(8)] (9) has been found not criminally responsible under § 3–110 of the  
7 Criminal Procedure Article;

8 [(9)] (10) has been voluntarily admitted for more than 30 consecutive days  
9 to a facility as defined in § 10–101 of the Health – General Article;

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

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

15 [(12)] (13) except as provided in subsection (e) of this section, is a  
16 respondent against whom:

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

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

22 [(13)] (14) if under the age of 30 years at the time of possession, has been  
23 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if  
24 committed by an adult.

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

27 (i) a crime of violence;

28 (ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, §  
29 5–613, § 5–614, § 5–621, or § 5–622 of the Criminal Law Article; or

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

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

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

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

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

13                   (i)   the imposition of the mandatory minimum sentence is within the  
14 discretion of the court; and

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

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

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

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

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

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

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

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

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

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

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

5                   1. participating in marksmanship training of a recognized  
6 organization; and

7                   2. under the supervision of a qualified instructor;

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

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

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

16                   (1) the regulated firearm is unloaded;

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

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

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

25                   (1) the firearm is unloaded;

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

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

30           (G) SUBJECT TO SUBSECTION (B)(3) OF THIS SECTION, A PERSON WHO HAS  
31 BEEN CONVICTED ON OR AFTER OCTOBER 1, 2023, OF A VIOLATION OF § 4-104 OF

1 THE CRIMINAL LAW ARTICLE MAY NOT POSSESS A REGULATED FIREARM FOR 5  
 2 YEARS FOLLOWING THE DATE OF THE CONVICTION.

3 ~~(E) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE~~  
 4 ~~GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF~~  
 5 ~~\$1,000,000 TO THE DEPARTMENT FOR:~~

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

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

10 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~  
 11 ~~as follows:~~

12 ~~Article Tax General~~

13 ~~10-757.~~

14 ~~(A) IN THIS SECTION, "FIREARM SAFETY DEVICE" MEANS ANY DEVICE THAT:~~

15 ~~(1) (I) WHEN INSTALLED ON A FIREARM, IS DESIGNED TO PREVENT~~  
 16 ~~THE FIREARM FROM BEING OPERATED WITHOUT FIRST DEACTIVATING THE DEVICE;~~  
 17 ~~AND~~

18 ~~(II) IS DESIGNED TO PREVENT THE OPERATION OF THE~~  
 19 ~~FIREARM BY ANYONE NOT HAVING ACCESS TO THE DEVICE; OR~~

20 ~~(2) IS A SAFE, GUN SAFE, GUN CASE, LOCK BOX, OR OTHER DEVICE~~  
 21 ~~THAT IS DESIGNED TO BE OR CAN BE USED TO STORE A FIREARM AND THAT IS~~  
 22 ~~DESIGNED TO BE UNLOCKED ONLY BY MEANS OF A KEY, A COMBINATION, OR OTHER~~  
 23 ~~SIMILAR MEANS.~~

24 ~~(B) (1) AN INDIVIDUAL MAY CLAIM A CREDIT AGAINST THE STATE~~  
 25 ~~INCOME TAX FOR THE AMOUNT PAID BY THE INDIVIDUAL TO PURCHASE A FIREARM~~  
 26 ~~SAFETY DEVICE DURING THE TAXABLE YEAR IN AN AMOUNT EQUAL TO THE LESSER~~  
 27 ~~OF:~~

28 ~~(I) 100% OF THE PURCHASE PRICE FOR THE FIREARM SAFETY~~  
 29 ~~DEVICE; OR~~

30 ~~(II) \$250.~~

~~(2) THE TAX CREDIT UNDER THIS SECTION MAY BE CLAIMED ONLY ONCE BY AN INDIVIDUAL.~~

~~(C) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, THE INDIVIDUAL MAY CLAIM A REFUND IN THE AMOUNT OF THE EXCESS.~~

~~(D) TO CLAIM THE CREDIT ALLOWED UNDER THIS SECTION, THE INDIVIDUAL SHALL ATTACH TO THE INDIVIDUAL'S INCOME TAX RETURN OR OTHERWISE FILE WITH THE COMPTROLLER PROOF OF PAYMENT BY THE INDIVIDUAL OF THE PURCHASE PRICE FOR WHICH THE INDIVIDUAL MAY CLAIM THE CREDIT UNDER THIS SECTION.~~

SECTION ~~2~~ ~~3~~ 2. AND BE IT FURTHER ENACTED, That:

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

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

- (1) behavioral health practitioners;
- (2) experts on best practices for firearm and ammunition storage;
- (3) families impacted by the risk of suicide by minors;
- (4) health care professionals; and
- (5) youth advocates.

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall be applicable to all taxable years beginning after December 31, 2022.~~

SECTION ~~2~~ ~~5~~ 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2024, December 31, 2025, and December 31, 2026, the Deputy Secretary for Public Health Services shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation of this Act, including how State and local agencies have distributed the youth suicide prevention and firearm safe storage guide developed under § 13-39A-01 of the Health – General Article, as enacted by Section 1 of this Act.

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