# SENATE BILL 656

E1, E4 3lr2867

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By: **Senator Carter**
Introduced and read first time: February 6, 2023
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1   AN ACT concerning

2   **Criminal Law – Failure to Properly Store Firearm – Death of Another**

3   FOR the purpose of prohibiting a person from storing or leaving a loaded firearm in a
4       location where the person knew or should have known that a certain ward would
5       gain access to the firearm; prohibiting a person from storing or leaving a loaded
6       firearm in a location where the person knew or should have known that an
7       unsupervised child or a certain ward would gain access to the firearm resulting in
8       the child or ward using the firearm and causing the death of another; and generally
9       relating to failure to properly store firearms.

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

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

## Article – Criminal Law

18  4–104.

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

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

22             (3)    "Child" means an individual under the age of 16 years.

23             (4)    (i)    "Firearm" means a handgun, rifle, shotgun, short–barreled rifle,

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EXPLANATION: **Capitals indicate matter added to existing law.**
[Brackets] indicate matter deleted from existing law.

1   or short–barreled shotgun, as those terms are defined in § 4–201 of this title, or any other
2   firearm.

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

5           **(5)    "WARD" MEANS AN ADULT WHO IS:**

6                    **(I)     PROHIBITED BY LAW FROM POSSESSING A FIREARM; AND**

7                    **(II)    THE SUBJECT OF A LEGAL GUARDIANSHIP.**

8       (b)   This section does not apply if:

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

11          (2)    the child's **OR WARD'S** access to a firearm was obtained as a result of
12  an unlawful entry;

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

15          (4)    the child has a certificate of firearm and hunter safety issued under §
16  10–301.1 of the Natural Resources Article.

17      (c)   **(1)**   A person may not store or leave a loaded firearm in a location where
18  the person knew or should have known that an unsupervised child **OR A WARD FOR WHOM**
19  **THE PERSON HAS BEEN APPOINTED GUARDIAN** would gain access to the firearm.

20          **(2)    A PERSON MAY NOT VIOLATE PARAGRAPH (1) OF THIS**
21  **SUBSECTION RESULTING IN THE CHILD OR WARD USING THE FIREARM AND CAUSING**
22  **THE DEATH OF ANOTHER.**

23      (d)   **(1)**   A person who violates **SUBSECTION (C)(1) OF** this section is guilty of
24  a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

25          **(2)    A PERSON WHO VIOLATES SUBSECTION (C)(2) OF THIS SECTION IS**
26  **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
27  **EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING $10,000 OR BOTH.**

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

29                   (i)     be considered evidence of negligence;

30                   (ii)    be considered evidence of contributory negligence;

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

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

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

6            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7    October 1, 2023.