

SENATE BILL 858

E4, E1, J1

3lr1496
CF HB 307

By: **Senator Smith**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

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
22 (2019 Replacement Volume and 2022 Supplement)

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

25 **Article – Criminal Law**

26 4–104.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

8 (ii) "Firearm" does not include an antique firearm as defined in §
9 4-201 of this title.

10 (4) **"PROHIBITED PERSON" MEANS AN INDIVIDUAL WHO IS**
11 **PROHIBITED FROM POSSESSING A FIREARM UNDER:**

12 (I) **§ 5-133 OF THE PUBLIC SAFETY ARTICLE;**

13 (II) **§ 5-205 OF THE PUBLIC SAFETY ARTICLE; OR**

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

15 (b) This section does not apply if:

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

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

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

22 (4) **THE PERSON WHO STORES OR LEAVES THE FIREARM STORES OR**
23 **LEAVES:**

24 (I) **THE FIREARM UNLOADED;**

25 (II) **ANY AMMUNITION THAT THE PERSON OWNS OR CONTROLS**
26 **THAT IS SUITABLE FOR USE IN THE FIREARM IN A SECURE LOCATION WHERE A**
27 **PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE**
28 **AMMUNITION; AND**

1 **(III) THE FIREARM:**

2 **1. SECURED IN A LOCKED CONTAINER THAT IS**
3 **EQUIPPED WITH A TAMPER-RESISTANT LOCK; OR**

4 **2. RENDERED INOPERABLE TO ANYONE OTHER THAN AN**
5 **AUTHORIZED ADULT; OR**

6 **(5) FOR A RIFLE OR SHOTGUN, the [child] MINOR:**

7 **(I) has a certificate of firearm and hunter safety issued under §**
8 **10-301.1 of the Natural Resources Article; AND**

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

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

15 **(2) A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION**
16 **WHERE:**

17 **(I) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN**
18 **THAT A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO GAIN**
19 **ACCESS TO THE FIREARM; AND**

20 **(II) A PROHIBITED PERSON OR AN UNSUPERVISED MINOR DOES**
21 **GAIN ACCESS TO THE FIREARM.**

22 **(3) A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION**
23 **WHERE:**

24 **(I) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN**
25 **THAT A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO GAIN**
26 **ACCESS TO THE FIREARM;**

27 **(II) A PROHIBITED PERSON OR AN UNSUPERVISED MINOR DOES**
28 **GAIN ACCESS TO THE FIREARM; AND**

29 **(III) THE PROHIBITED PERSON'S OR MINOR'S ACCESS TO THE**
30 **FIREARM RESULTS IN HARM TO THE PROHIBITED PERSON, THE MINOR, OR ANOTHER**
31 **PERSON.**

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

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

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

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

11 (i) be considered evidence of negligence;

12 (ii) be considered evidence of contributory negligence;

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

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

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

18 **Article – Health – General**

19 **SUBTITLE 39A. YOUTH SUICIDE PREVENTION AND FIREARM SAFE STORAGE.**

20 **13-39A-01.**

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

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

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

29 (1) **PROVIDE A DESCRIPTION OF THE FIREARM AND AMMUNITION**

1 REQUIREMENTS ESTABLISHED UNDER § 4-104(B)(4) AND (5) OF THE CRIMINAL LAW
2 ARTICLE;

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

5 (I) SUICIDE;

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

8 (III) SHOOTING INCIDENTS INVOLVING MINORS; AND

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

11 (D) THE DEPARTMENT SHALL:

12 (1) POST THE GUIDE ON ITS WEBSITE;

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

17 (I) BEHAVIORAL HEALTH PROGRAMS;

18 (II) THE DEPARTMENT OF JUVENILE SERVICES;

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

21 (IV) LOCAL HEALTH DEPARTMENTS;

22 (V) LOCAL SCHOOL SYSTEMS;

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

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

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

1 **(IX) THE STATE DEPARTMENT OF EDUCATION; AND**

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

5 **(E) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE**
6 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF**
7 **\$1,000,000 TO THE DEPARTMENT FOR:**

8 **(1) THE DEVELOPMENT OF THE GUIDE REQUIRED UNDER**
9 **SUBSECTION (B) OF THIS SECTION; AND**

10 **(2) THE FUNDING OF GRANTS REQUIRED UNDER SUBSECTION (D) OF**
11 **THIS SECTION.**

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

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

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

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
25 2024, December 31, 2025, and December 31, 2026, the Deputy Secretary for Public Health
26 Services shall report to the General Assembly, in accordance with § 2–1257 of the State
27 Government Article, on the implementation of this Act, including how State and local
28 agencies have distributed the youth suicide prevention and firearm safe storage guide
29 developed under § 13–39A–01 of the Health – General Article, as enacted by Section 1 of
30 this Act.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2023.