

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.



(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;

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

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

(I) THE FIREARM UNLOADED;

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

(III) THE FIREARM:

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

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

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

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

(II) 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.

(c) (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.

[(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.]

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) 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

(IX) THE STATE DEPARTMENT OF EDUCATION; 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.

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

1 October 1, 2023.

BY: Chair, Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 858

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “altering” insert “the prohibition on reckless endangerment; altering”; in line 10, after “committee,” insert “authorizing a credit against the State income tax for the purchase of certain firearm safety devices during the taxable year; making the credit refundable;”; in line 14, after “Section” insert “3-204 and”; and after line 22, insert:

“BY repealing and reenacting, with amendments,

Article – Public Safety

Section 5-133

Annotated Code of Maryland

(2022 Replacement Volume)

BY adding to

Article – Tax – General

Section 10-757

Annotated Code of Maryland

(2016 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 26 on page 1 through line 17 on page 4, inclusive, and substitute:

“3-204.

(a) A person may not recklessly:

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

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

(3) LEAVE OR STORE A FIREARM IN A LOCATION WHERE THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT AN UNSUPERVISED MINOR OR A PERSON PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW HAS ACCESS TO THE FIREARM.

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

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

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

(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 HAS A CERTIFICATE OF FIREARM AND HUNTER SAFETY ISSUED UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE;

3. 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.

(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] MINOR'S access to a firearm was obtained as a result of an unlawful entry;

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

(Over)

(4) (I) THE FIREARM IS A SHOTGUN OR A RIFLE;

(II) the [child] MINOR has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article;

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

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

(5) A 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.

(c) A person may not store or leave a [loaded] firearm in a location where the person knew or should have known that an unsupervised [child] MINOR OR A PERSON PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW would gain access to 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.”.

On page 6, before line 12, insert:

“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;

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

(3) (I) HAS BEEN CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF § 4–104 OF THE CRIMINAL LAW ARTICLE; OR

(II) HAS BEEN CONVICTED OF A VIOLATION OF § 4–104 OF THE CRIMINAL LAW ARTICLE IF THE VIOLATION RESULTED IN THE USE OF A

(Over)

LOADED FIREARM BY A CHILD CAUSING DEATH OR SERIOUS BODILY INJURY TO
THE CHILD OR ANOTHER PERSON;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a crime of violence;

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

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

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

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

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

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

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

(Over)

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

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

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

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

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

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

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

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

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

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

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

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

2. under the supervision of a qualified instructor;

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

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

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

(1) the regulated firearm is unloaded;

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

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

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

(1) the firearm is unloaded;

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

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

(G) SUBJECT TO SUBSECTION (B)(3) OF THIS SECTION, A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF § 4-104 OF THE CRIMINAL LAW

(Over)

ARTICLE MAY NOT POSSESS A REGULATED FIREARM FOR 5 YEARS FOLLOWING THE DATE OF THE CONVICTION.”.

AMENDMENT NO. 3

On page 5, strike beginning with “ESTABLISHED” in line 1 down through “ARTICLE” in line 2 and substitute “FOR SAFELY STORING FIREARMS UNDER STATE LAW”; and in line 27, strike the second “AND”.

On page 6, after line 1, insert:

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

AMENDMENT NO. 4

On page 6, strike in their entirety lines 5 through 11, inclusive.

AMENDMENT NO. 5

On page 6, after line 23, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10-757.

(A) IN THIS SECTION, “FIREARM SAFETY DEVICE” MEANS ANY DEVICE THAT:

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

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

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

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

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

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

(Over)

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in lines 24 and 31, strike “3.” and “4.”, respectively, and substitute “5.” and “6.”, respectively.

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3 (Jaelynn's Law)

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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; authorizing a credit against the State income tax for the
purchase of certain firearm safety devices during the taxable year; making the credit refundable; and
generally relating to the
11 storage of firearms and youth suicide prevention.

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
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17 BY adding to
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19 Section 13-39A-01 to be under the new subtitle "Subtitle 39A. Youth Suicide
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26 ~~4-104.~~

2

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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

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~~(H) THE FIREARM;~~

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

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

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

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

~~(ii) 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.~~

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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.]~~

3-204.

(a) A person may not recklessly:

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

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

(3) LEAVE OR STORE A FIREARM IN A LOCATION WHERE THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT AN UNSUPERVISED MINOR OR A PERSON PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW HAS ACCESS TO THE FIREARM.

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

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

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

(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.

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(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 HAS A CERTIFICATE OF FIREARM AND HUNTER SAFETY ISSUED UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE;

3. 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.

(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] MINOR'S access to a firearm was obtained as a result of an unlawful entry;

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

(4) (I) THE FIREARM IS A SHOTGUN OR A RIFLE;

(II) the [child] MINOR has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article;

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

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

(5) A 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.

(c) A person may not store or leave a [loaded] firearm in a location where the person knew or should have known that an unsupervised [child] MINOR OR A PERSON PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW would gain access to 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.

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

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~~REQUIREMENTS ESTABLISHED UNDER § 4-104(B)(4) AND (5) OF THE CRIMINAL LAW~~
~~ARTICLE FOR SAFELY STORING FIREARMS UNDER STATE LAW;~~

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

(I) SUICIDE;

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

(III) SHOOTING INCIDENTS INVOLVING MINORS; AND

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

(D) THE DEPARTMENT SHALL:

(1) POST THE GUIDE ON ITS WEBSITE;

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

(I) BEHAVIORAL HEALTH PROGRAMS;

(II) THE DEPARTMENT OF JUVENILE SERVICES;

(III) FIREARMS DEALERS LICENSED BY THE FEDERAL
 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

1 (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

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 (D) OF THIS SECTION; AND~~

10 ~~(2) THE FUNDING OF GRANTS REQUIRED UNDER SUBSECTION (D) OF~~
11 ~~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;

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

(3) (I) HAS BEEN CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF § 4-104 OF THE CRIMINAL LAW ARTICLE OR

(II) HAS BEEN CONVICTED OF A VIOLATION OF § 4-104 OF THE CRIMINAL LAW ARTICLE IF THE VIOLATION RESULTED IN THE USE OF A LOADED FIREARM BY A CHILD CAUSING DEATH OR SERIOUS BODILY INJURY TO THE CHILD OR ANOTHER PERSON;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a crime of violence;

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

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

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

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

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

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

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

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

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

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

who is under the age of 21 years may not possess a regulated firearm.

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

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

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

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

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

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

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

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

2. under the supervision of a qualified instructor;

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

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

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

(1) the regulated firearm is unloaded;

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

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

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

(1) the firearm is unloaded;

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

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

(G) SUBJECT TO SUBSECTION (B)(3) OF THIS SECTION, A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF § 4-104 OF THE CRIMINAL LAW ARTICLE MAY NOT POSSESS A REGULATED FIREARM FOR 5 YEARS FOLLOWING THE DATE OF THE CONVICTION.

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

2
1

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.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Tax - General

10-757.

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

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

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

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

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

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

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

24 SECTION 5. 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

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tax credit

30 this Act.

31 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect

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1 October 1, 2023.