

SENATE BILL 1

E1, E4

3lr0330

(PRE-FILED)

By: **Senators Waldstreicher and Lee**

Requested: August 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions**
3 **(Gun Safety Act of 2023)**

4 FOR the purpose of prohibiting a person from knowingly wearing, carrying, or transporting
5 a firearm onto the real property of another unless the other has given certain
6 permission; prohibiting a person from knowingly wearing, carrying, or transporting
7 a firearm within a certain distance of a certain place of public accommodation; and
8 generally relating to restrictions on wearing, carrying, or transporting firearms.

9 BY adding to
10 Article – Criminal Law
11 Section 4–111 and 4–112
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – State Government
16 Section 20–301
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2022 Supplement)

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

21 **Article – Criminal Law**

22 **4–111.**

23 **(A) IN THIS SECTION, “FIREARM” HAS THE MEANING STATED IN § 4–104 OF**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THIS SUBTITLE.

2 (B) THIS SECTION DOES NOT APPLY TO:

3 (1) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON
4 A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A
5 SERVITUDE, OR ANY OTHER INTEREST THAT ALLOWS PUBLIC ACCESS ON OR
6 THROUGH THE REAL PROPERTY;

7 (2) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON
8 A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A
9 SERVITUDE, OR ANY OTHER INTEREST ALLOWING ACCESS ON OR THROUGH THE
10 REAL PROPERTY BY:

11 (I) THE HOLDER OF THE EASEMENT, RIGHT-OF-WAY,
12 SERVITUDE, OR OTHER INTEREST; OR

13 (II) A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT,
14 RIGHT-OF-WAY, SERVITUDE, OR OTHER INTEREST; OR

15 (3) PROPERTY OWNED BY THE STATE OR A POLITICAL SUBDIVISION
16 OF THE STATE.

17 (C) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A
18 FIREARM ONTO THE REAL PROPERTY OF ANOTHER UNLESS THE OTHER HAS GIVEN
19 EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE PUBLIC GENERALLY, TO
20 WEAR, CARRY, OR TRANSPORT A FIREARM ON THE REAL PROPERTY.

21 (D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY
22 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
23 EXCEEDING 1 YEAR.

24 4-112.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS
28 SUBTITLE.

29 (3) "PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING
30 STATED IN § 20-301 OF THE STATE GOVERNMENT ARTICLE.

(B) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION.

(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR.

Article – State Government

20–301.

In this subtitle, “place of public accommodation” means:

(1) an inn, hotel, motel, or other establishment that provides lodging to transient guests;

(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises, including a facility located on the premises of a retail establishment or gasoline station;

(3) a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(4) a retail establishment that:

(i) is operated by a public or private entity; and

(ii) offers goods, services, entertainment, recreation, or transportation; or

(5) an establishment:

(i) 1. that is physically located within the premises of any other establishment covered by this subtitle; or

2. within the premises of which any other establishment covered by this subtitle is physically located; and

(ii) that holds itself out as serving patrons of the covered establishment.

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

Article - Criminal Law

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§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 access to a firearm is supervised by an individual at least 18 years old;

(2) the child’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 child has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

(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 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;

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Article - Criminal Law

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§4–201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Antique firearm” means:
 - (1) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar ignition system, manufactured before 1899; or
 - (2) a replica of a firearm described in item (1) of this subsection that:
 - (i) is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or
 - (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.
- (c) (1) “Handgun” means a pistol, revolver, or other firearm capable of being concealed on the person.
- (2) “Handgun” includes a short-barreled shotgun and a short-barreled rifle.
- (3) “Handgun” does not include a shotgun, rifle, or antique firearm.
- (d) “Law enforcement official” means:
 - (1) a full-time member of a police force or other unit of the United States, a state, a county, a municipal corporation, or other political subdivision of a state who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, a state, a county, a municipal corporation, or other political subdivision of a state;
 - (2) a part-time member of a police force of a county or municipal corporation who is certified by the county or municipal corporation as being trained and qualified in the use of handguns;
 - (3) a fire and explosive investigator of the Prince George’s County Fire/EMS Department as defined in § 2–208.3 of the Criminal Procedure Article;

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(4) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(5) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(6) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;

(7) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; or

(8) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

(e) “Rifle” means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

(2) designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(f) “Short-barreled rifle” means:

(1) a rifle that has one or more barrels less than 16 inches long; or

(2) a weapon that has an overall length of less than 26 inches and that was made from a rifle, whether by alteration, modification, or otherwise.

(g) “Short-barreled shotgun” means:

(1) a shotgun that has one or more barrels less than 18 inches long;
or

(2) a weapon that has an overall length of less than 26 inches long and was made from a shotgun, whether by alteration, modification, or otherwise.

(h) “Shotgun” means a weapon that is:

(1) designed or redesigned, made or remade, and intended to be fired from the shoulder; and

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(2) designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles for each pull of the trigger.

(i) “Vehicle” means a motor vehicle as defined in Title 11, Subtitle 1 of the Transportation Article, a train, an aircraft, or a vessel.

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Article - State Government

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§20–301.

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