

# SENATE BILL 646

E4, E1

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CF HB 636

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By: **Senators Smith, Augustine, Beidle, Benson, Elfreth, Feldman, Guzzone, Kelley, King, Lam, Lee, Peters, Pinsky, Rosapepe, Waldstreicher, Washington, Young, and Zucker**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Access to Firearms – Storage Requirements**

3 FOR the purpose of altering a certain prohibition to prohibit a person from storing or  
4 leaving a loaded or unloaded firearm in a location where a minor could gain access  
5 to the firearm; repealing a certain exception to the prohibition; prohibiting a person  
6 from storing or leaving a loaded or unloaded firearm in a location where an  
7 unsupervised minor could gain access to the firearm and an unsupervised minor does  
8 gain access to the firearm; prohibiting a person from storing or leaving a loaded or  
9 unloaded firearm in a location where a minor could gain access to the firearm, an  
10 unsupervised minor does gain access to the firearm, and the firearm causes harm to  
11 the minor or another person; establishing penalties for a violation of this Act;  
12 repealing a certain defined term; and generally relating to storage of firearms.

13 BY repealing and reenacting, with amendments,  
14 Article – Criminal Law  
15 Section 4–104  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2019 Supplement)

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

### Article – Criminal Law

20 4–104.

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

23 (2) “Ammunition” means a cartridge, shell, or other device containing

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 explosive or incendiary material designed and intended for use in a firearm.

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

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

6 (ii) "Firearm" does not include an antique firearm as defined in §  
7 4-201 of this title.

8 (b) This section does not apply if:

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

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

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 OR UNLOADED firearm in a  
18 location where the person knew or should have known that an unsupervised [child would]  
19 MINOR COULD gain access to the firearm.

20 (2) A PERSON MAY NOT STORE OR LEAVE A LOADED OR UNLOADED  
21 FIREARM IN A LOCATION WHERE:

22 (I) THE PERSON KNEW OR SHOULD HAVE KNOWN THAT AN  
23 UNSUPERVISED MINOR COULD GAIN ACCESS TO THE FIREARM; AND

24 (II) AN UNSUPERVISED MINOR DOES GAIN ACCESS TO THE  
25 FIREARM.

26 (3) A PERSON MAY NOT STORE OR LEAVE A LOADED OR UNLOADED  
27 FIREARM IN A LOCATION WHERE:

28 (I) THE PERSON KNEW OR SHOULD HAVE KNOWN THAT AN  
29 UNSUPERVISED MINOR COULD GAIN ACCESS TO THE FIREARM;

30 (II) AN UNSUPERVISED MINOR DOES GAIN ACCESS TO THE

1 FIREARM; AND

2 (III) THE FIREARM CAUSES HARM TO THE MINOR OR TO  
3 ANOTHER PERSON.

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

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

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

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

14 (i) be considered evidence of negligence;

15 (ii) be considered evidence of contributory negligence;

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2020.