

# SENATE BILL 858

E4, E1, J1

3lr1496  
CF HB 307

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By: **Senator Smith**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 3, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Firearm Safety – Storage Requirements and Youth Suicide Prevention**  
3 **(Jaelynn’s Law)**

4 FOR the purpose of altering the prohibition on reckless endangerment; altering a certain  
5 provision relating to the storage of firearms and ammunition in a location that can  
6 be accessed by an unsupervised child; prohibiting the storage of firearms and  
7 ammunition in a manner that allows access by a certain person who is prohibited  
8 from possessing a firearm; repealing a certain provision relating to negligence;  
9 requiring the Deputy Secretary for Public Health Services to develop a youth suicide  
10 prevention and firearm safe storage guide, with recommendations from a  
11 stakeholder committee; authorizing a credit against the State income tax for the  
12 purchase of certain firearm safety devices during the taxable year; making the credit  
13 refundable; and generally relating to the storage of firearms and youth suicide  
14 prevention.

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Law  
17 Section ~~3–204~~ and 4–104  
18 Annotated Code of Maryland  
19 (2021 Replacement Volume and 2022 Supplement)

20 BY adding to  
21 Article – Health – General  
22 Section 13–39A–01 to be under the new subtitle “Subtitle 39A. Youth Suicide  
23 Prevention and Firearm Safe Storage”

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2019 Replacement Volume and 2022 Supplement)

3 BY repealing and reenacting, with amendments,

4 Article – Public Safety

5 Section 5–133

6 Annotated Code of Maryland

7 (2022 Replacement Volume)

8 BY adding to

9 Article – Tax – General

10 Section 10–757

11 Annotated Code of Maryland

12 (2022 Replacement Volume)

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

15 **Article – Criminal Law**

16 ~~4–104.~~

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

18 ~~(2) “Ammunition” means a cartridge, shell, or other device containing~~  
19 ~~explosive or incendiary material designed and intended for use in a firearm.~~

20 ~~(3) [“Child” means an individual under the age of 16 years.~~

21 ~~(4) (i) “Firearm” means a handgun, rifle, shotgun, short barreled rifle,~~  
22 ~~or short barreled shotgun, as those terms are defined in § 4–201 of this title, or any other~~  
23 ~~firearm.~~

24 ~~(ii) “Firearm” does not include an antique firearm as defined in §~~  
25 ~~4–201 of this title.~~

26 ~~(4) “PROHIBITED PERSON” MEANS AN INDIVIDUAL WHO IS~~  
27 ~~PROHIBITED FROM POSSESSING A FIREARM UNDER:~~

28 ~~(I) § 5–133 OF THE PUBLIC SAFETY ARTICLE;~~

29 ~~(II) § 5–205 OF THE PUBLIC SAFETY ARTICLE; OR~~

30 ~~(III) ANY OTHER FEDERAL, STATE, OR LOCAL LAW.~~

31 ~~(b) This section does not apply if:~~

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

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

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

7           ~~(4) THE PERSON WHO STORES OR LEAVES THE FIREARM STORES OR~~  
8 ~~LEAVES:~~

9                   ~~(I) THE FIREARM UNLOADED;~~

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

14                   ~~(III) THE FIREARM:~~

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

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

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

20                   ~~(I) has a certificate of firearm and hunter safety issued under §~~  
21 ~~10-301.1 of the Natural Resources Article; AND~~

22                   ~~(II) HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR'S~~  
23 ~~PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF~~  
24 ~~ENGAGING IN A LAWFUL ACTIVITY.~~

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

28           ~~(2) A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION~~  
29 ~~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.]~~

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) (I) LEAVE OR STORE A LOADED 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; OR**

**(II) 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 READY ACCESS TO THE FIREARM AND AMMUNITION FOR 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:**

1                    (I) THE MINOR ACCESSES A FIREARM FOR SELF-DEFENSE OR  
 2 THE DEFENSE OF OTHERS AGAINST A TRESPASSER INTO THE RESIDENCE OF THE  
 3 MINOR OR INTO A RESIDENCE IN WHICH THE MINOR IS AN INVITED GUEST; OR

4                    (II) 1. THE FIREARM IS A SHOTGUN OR A RIFLE;

5                    2. THE MINOR IS NOT OTHERWISE PROHIBITED FROM  
 6 POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW; AND

7                    3. A. THE MINOR HAS A CERTIFICATE OF FIREARM  
 8 AND HUNTER SAFETY ISSUED UNDER § 10-301.1 OF THE NATURAL RESOURCES  
 9 ARTICLE; OR

10                    ~~3.~~ B. THE MINOR HAS PERMISSION FROM THE MINOR'S  
 11 PARENT OR GUARDIAN WHO IS AT LEAST 18 YEARS OLD TO ACCESS THE FIREARM;  
 12 AND

13                    ~~4. THE MINOR IS NOT OTHERWISE PROHIBITED FROM~~  
 14 ~~POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW.~~

15 4-104.

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

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

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

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

23                    (ii)    "Firearm" does not include an antique firearm as defined in §  
 24 4-201 of this title.

25            (b)    This section does not apply if:

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

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

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

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

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

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

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

10           **(5) A MINOR ACCESSES A FIREARM FOR SELF–DEFENSE OR THE**  
11 **DEFENSE OF OTHERS AGAINST A TRESPASSER INTO THE RESIDENCE OF THE MINOR**  
12 **OR INTO A RESIDENCE IN WHICH THE MINOR IS AN INVITED GUEST.**

13           (c) A person may not store or leave:

14           **(1) a ~~loaded~~ firearm in a location where the person knew or should have**  
15 **known that an unsupervised [child] MINOR OR A PERSON PROHIBITED FROM**  
16 **POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW ~~would gain~~ HAS access to the**  
17 **firearm; OR**

18           **(2) A FIREARM IN A LOCATION WHERE THE PERSON KNEW OR SHOULD**  
19 **HAVE KNOWN THAT AN UNSUPERVISED MINOR OR A PERSON PROHIBITED FROM**  
20 **POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW HAS READY ACCESS TO THE**  
21 **FIREARM AND AMMUNITION FOR THE FIREARM.**

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

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

25                   (i) be considered evidence of negligence;

26                   (ii) be considered evidence of contributory negligence;

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

28                   (iv) diminish recovery for damages arising out of the ownership,  
29 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.**

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 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.



1 (D) THE DEPARTMENT SHALL:

2 (1) POST THE GUIDE ON ITS WEBSITE;

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

7 (I) BEHAVIORAL HEALTH PROGRAMS;

8 (II) THE DEPARTMENT OF JUVENILE SERVICES;

9 (III) FIREARMS DEALERS LICENSED BY THE FEDERAL  
10 GOVERNMENT;

11 (IV) LOCAL HEALTH DEPARTMENTS;

12 (V) LOCAL SCHOOL SYSTEMS;

13 (VI) THE MARYLAND ASSOCIATION OF NONPUBLIC SPECIAL  
14 EDUCATION FACILITIES;

15 (VII) THE MARYLAND ASSOCIATION OF YOUTH SERVICE  
16 BUREAUS;

17 (VIII) STATE AND LOCAL LAW ENFORCEMENT AGENCIES; ~~AND~~

18 (IX) THE STATE DEPARTMENT OF EDUCATION; AND

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

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

25 Article – Public Safety

26 5–133.

27 (a) This section supersedes any restriction that a local jurisdiction in the State  
28 imposes on the possession by a private party of a regulated firearm, and the State preempts  
29 the right of any local jurisdiction to regulate the possession of a regulated firearm.

1           (b) Subject to § 5–133.3 of this subtitle, a person may not possess a regulated  
2 firearm if the person:

3           (1) has been convicted of a disqualifying crime;

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

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

8                               **(II) HAS BEEN CONVICTED OF A VIOLATION OF § 4–104 OF THE**  
9 **CRIMINAL LAW ARTICLE IF THE VIOLATION RESULTED IN THE USE OF A LOADED**  
10 **FIREARM BY A MINOR CAUSING DEATH OR SERIOUS BODILY INJURY TO THE MINOR**  
11 **OR ANOTHER PERSON;**

12           **[(3)] (4) is a fugitive from justice;**

13           **[(4)] (5) is a habitual drunkard;**

14           **[(5)] (6) is addicted to a controlled dangerous substance or is a habitual**  
15 **user;**

16           **[(6)] (7) suffers from a mental disorder as defined in § 10–101(i)(2) of the**  
17 **Health – General Article and has a history of violent behavior against the person or**  
18 **another;**

19           **[(7)] (8) has been found incompetent to stand trial under § 3–106 of the**  
20 **Criminal Procedure Article;**

21           **[(8)] (9) has been found not criminally responsible under § 3–110 of the**  
22 **Criminal Procedure Article;**

23           **[(9)] (10) has been voluntarily admitted for more than 30 consecutive days**  
24 **to a facility as defined in § 10–101 of the Health – General Article;**

25           **[(10)] (11) has been involuntarily committed to a facility as defined in §**  
26 **10–101 of the Health – General Article;**

27           **[(11)] (12) is under the protection of a guardian appointed by a court under**  
28 **§ 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the**  
29 **appointment of a guardian is solely a result of a physical disability;**

30           **[(12)] (13) except as provided in subsection (e) of this section, is a**  
31 **respondent against whom;**

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

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

6                   **[(13)] (14)** if under the age of 30 years at the time of possession, has been  
7 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if  
8 committed by an adult.

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

11                   (i) a crime of violence;

12                   (ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, §  
13 5–613, § 5–614, § 5–621, or § 5–622 of the Criminal Law Article; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23                   2. under the supervision of a qualified instructor;

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

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

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

32           (1) the regulated firearm is unloaded;

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

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

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

9           (1) the firearm is unloaded;

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

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

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

18          ~~**(E) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE**~~  
 19 ~~**GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF**~~  
 20 ~~**\$1,000,000 TO THE DEPARTMENT FOR:**~~

21           ~~**(1) THE DEVELOPMENT OF THE GUIDE REQUIRED UNDER**~~  
 22 ~~**SUBSECTION (B) OF THIS SECTION; AND**~~

23           ~~**(2) THE FUNDING OF GRANTS REQUIRED UNDER SUBSECTION (D) OF**~~  
 24 ~~**THIS SECTION.**~~

25          SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 26 as follows:

27   Article – Tax – General

28          10-757.

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

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

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

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

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

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

16           **(II) \$250.**

17           **(2) THE TAX CREDIT UNDER THIS SECTION MAY BE CLAIMED ONLY**  
 18 **ONCE BY AN INDIVIDUAL.**

19           **(C) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR**  
 20 **EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, THE INDIVIDUAL MAY**  
 21 **CLAIM A REFUND IN THE AMOUNT OF THE EXCESS.**

22           **(D) TO CLAIM THE CREDIT ALLOWED UNDER THIS SECTION, THE**  
 23 **INDIVIDUAL SHALL ATTACH TO THE INDIVIDUAL'S INCOME TAX RETURN OR**  
 24 **OTHERWISE FILE WITH THE COMPTROLLER PROOF OF PAYMENT BY THE**  
 25 **INDIVIDUAL OF THE PURCHASE PRICE FOR WHICH THE INDIVIDUAL MAY CLAIM THE**  
 26 **CREDIT UNDER THIS SECTION.**

27           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That:

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

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

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

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

8 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, on or before December 31,  
 9 2024, December 31, 2025, and December 31, 2026, the Deputy Secretary for Public Health  
 10 Services shall report to the General Assembly, in accordance with § 2-1257 of the State  
 11 Government Article, on the implementation of this Act, including how State and local  
 12 agencies have distributed the youth suicide prevention and firearm safe storage guide  
 13 developed under § 13-39A-01 of the Health – General Article, as enacted by Section 1 of  
 14 this Act.

15 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 16 ~~October~~ July 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.