

HOUSE BILL 1512

E1, E4, P1

EMERGENCY BILL

3lr3322

By: **Delegate Dwyer**

Introduced and read first time: March 4, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Firearm Exemptions for Law Enforcement Officers – Repeal**

3 FOR the purpose of repealing the exemption for certain law enforcement officers
4 acting under certain circumstances to possess certain weapons on school
5 property; repealing the exemption for certain law enforcement officials relating
6 to wearing, carrying, or transporting certain handguns; repealing the exemption
7 for certain law enforcement officers to possess a firearm at a demonstration;
8 repealing the exemption for certain law enforcement personnel relating to
9 certain assault pistols and certain machine guns; repealing the exemption for
10 certain members of certain law enforcement agencies acting under certain
11 circumstances from the prohibition on selling, renting, transferring, or using a
12 regulated firearm; repealing the exemption for certain law enforcement
13 personnel from certain prohibitions relating to the possession of certain rifles
14 and certain shotguns; making this Act an emergency measure; and generally
15 relating to firearm exemptions for law enforcement officers.

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section 4–102(a), 4–203(b)(1), 4–208(b), 4–302, and 4–402(b)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2012 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Criminal Law
23 Section 4–102(b), 4–203(a), and 4–402(a)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2012 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Public Safety
28 Section 5–102(4), 5–103, and 5–203(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2012 Supplement)

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

5 **Article – Criminal Law**

6 4–102.

7 (a) This section does not apply to:

8 (1) [a law enforcement officer in the regular course of the officer's
9 duty;

10 (2)] a person hired by a county board of education specifically for the
11 purpose of guarding public school property;

12 [(3)] (2) a person engaged in organized shooting activity for
13 educational purposes; or

14 [(4)] (3) a person who, with a written invitation from the school
15 principal, displays or engages in a historical demonstration using a weapon or a
16 replica of a weapon for educational purposes.

17 (b) A person may not carry or possess a firearm, knife, or deadly weapon of
18 any kind on public school property.

19 4–203.

20 (a) (1) Except as provided in subsection (b) of this section, a person may
21 not:

22 (i) wear, carry, or transport a handgun, whether concealed or
23 open, on or about the person;

24 (ii) wear, carry, or knowingly transport a handgun, whether
25 concealed or open, in a vehicle traveling on a road or parking lot generally used by the
26 public, highway, waterway, or airway of the State;

27 (iii) violate item (i) or (ii) of this paragraph while on public
28 school property in the State; or

29 (iv) violate item (i) or (ii) of this paragraph with the deliberate
30 purpose of injuring or killing another person.

1 (2) There is a rebuttable presumption that a person who transports a
2 handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

3 (b) This section does not prohibit:

4 (1) the wearing, carrying, or transporting of a handgun by a person
5 who is on active assignment engaged in law enforcement, is authorized at the time and
6 under the circumstances to wear, carry, or transport the handgun as part of the
7 person's official equipment, and is:

8 (i) a law enforcement official of the United States[, the State, or
9 a county or city of the State]; **OR**

10 (ii) a member of the armed forces of the United States or of the
11 National Guard on duty or traveling to or from duty;

12 [(iii) a law enforcement official of another state or subdivision of
13 another state temporarily in this State on official business;

14 (iv) a correctional officer or warden of a correctional facility in
15 the State;

16 (v) a sheriff or full-time assistant or deputy sheriff of the State;
17 or

18 (vi) a temporary or part-time sheriff's deputy;]

19 4-208.

20 (b) [(1) This subsection does not apply to a law enforcement officer.

21 (2)] A person may not have a firearm in the person's possession or on or
22 about the person at a demonstration in a public place or in a vehicle that is within
23 1,000 feet of a demonstration in a public place after:

24 [(i)] (1) the person has been advised by a law enforcement
25 officer that a demonstration is occurring at the public place; and

26 [(ii)] (2) the person has been ordered by the law enforcement
27 officer to leave the area of the demonstration until the person disposes of the firearm.

28 4-302.

29 This subtitle does not apply to:

1 (1) if acting within the scope of official business, personnel of the
2 United States government or a unit of that government[,] OR members of the armed
3 forces of the United States or of the National Guard[, or law enforcement personnel of
4 the State or a local unit in the State];

5 (2) a firearm modified to render it permanently inoperative;

6 (3) purchases, sales, and transport to or by a licensed firearms dealer
7 or manufacturer who is:

8 (i) providing or servicing an assault pistol or detachable
9 magazine for a law enforcement unit or for personnel exempted under item (1) of this
10 section; or

11 (ii) acting to sell or transfer an assault pistol or detachable
12 magazine to a licensed firearm dealer in another state;

13 (4) organizations that are required or authorized by federal law
14 governing their specific business or activity to maintain assault pistols and applicable
15 ammunition and detachable magazines;

16 (5) the receipt of an assault pistol or detachable magazine by
17 inheritance if the decedent lawfully possessed the assault pistol; or

18 (6) the receipt of an assault pistol or detachable magazine by a
19 personal representative of an estate for purposes of exercising the powers and duties of
20 a personal representative of an estate.

21 4-402.

22 (a) The presence of a machine gun in a room, boat, or vehicle is evidence of
23 the possession or use of the machine gun by each person occupying the room, boat, or
24 vehicle.

25 (b) This subtitle does not prohibit or interfere with:

26 (1) the manufacture, sale, and transportation of a machine gun for or
27 to a military force or peace officer of the United States[, a state, or a political
28 subdivision of a state];

29 (2) the possession of a machine gun for a scientific purpose;

30 (3) the possession, as a curiosity, ornament, or keepsake, of a machine
31 gun that cannot be used as a weapon;

32 (4) the possession of a machine gun for a purpose that is manifestly
33 not aggressive or offensive; or

1 (1) the person, while on official business is:

2 (i) a member of the law enforcement personnel of the federal
3 government[, the State, or a political subdivision of the State]; **OR**

4 (ii) a member of the armed forces of the United States or the
5 National Guard while on duty or traveling to or from duty;

6 [(iii) a member of the law enforcement personnel of another state
7 or a political subdivision of another state, while temporarily in this State;

8 (iv) a warden or correctional officer of a correctional facility in
9 the State; or

10 (v) a sheriff or a temporary or full-time deputy sheriff;] or

11 (2) the short-barreled shotgun or short-barreled rifle has been
12 registered with the federal government in accordance with federal law.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety,
15 has been passed by a yea and nay vote supported by three-fifths of all the members
16 elected to each of the two Houses of the General Assembly, and shall take effect from
17 the date it is enacted.