

HOUSE BILL 354

E1
HB 684/24 – JUD

5lr0722

By: **Delegate Grammer**

Introduced and read first time: January 16, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Prohibitions on Wearing, Carrying, or Transporting a Handgun**
3 **– Penalties**

4 FOR the purpose of establishing a certain intent element for wearing, carrying, or
5 transporting a handgun in certain prohibited places; repealing a certain rebuttable
6 presumption that a person transporting a handgun under certain circumstances
7 transports the handgun knowingly; altering certain penalty provisions related to
8 wearing, carrying, or transporting a handgun in certain prohibited places; and
9 generally relating to wearing, carrying, or transporting a handgun.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 4–201 and 4–203
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2024 Supplement)

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

17 **Article – Criminal Law**

18 4–201.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) “Antique firearm” means:

21 (1) a firearm, including a firearm with a matchlock, flintlock, percussion
22 cap, or similar ignition system, manufactured before 1899; or

23 (2) a replica of a firearm described in item (1) of this subsection that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) is not designed or redesigned to use rimfire or conventional
2 centerfire fixed ammunition; or

3 (ii) uses rimfire or conventional centerfire fixed ammunition that is
4 no longer manufactured in the United States and is not readily available in the ordinary
5 channels of commercial trade.

6 **(C) “FIREARM” HAS THE MEANING STATED IN § 4–104 OF THIS TITLE.**

7 **[(c)] (D)** (1) “Handgun” means a pistol, revolver, or other firearm capable of
8 being concealed on the person.

9 (2) “Handgun” includes a short–barreled shotgun and a short–barreled
10 rifle.

11 (3) “Handgun” does not include a shotgun, rifle, or antique firearm.

12 **[(d)] (E)** “Law enforcement official” means:

13 (1) a full–time member of a police force or other unit of the United States,
14 a state, a county, a municipal corporation, or other political subdivision of a state who is
15 responsible for the prevention and detection of crime and the enforcement of the laws of the
16 United States, a state, a county, a municipal corporation, or other political subdivision of a
17 state;

18 (2) a part–time member of a police force of a county or municipal
19 corporation who is certified by the county or municipal corporation as being trained and
20 qualified in the use of handguns;

21 (3) a fire and explosive investigator of the Prince George’s County
22 Fire/EMS Department as defined in § 2–208.3 of the Criminal Procedure Article;

23 (4) a Montgomery County fire and explosive investigator as defined in §
24 2–208.1 of the Criminal Procedure Article;

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

27 (6) a Worcester County fire and explosive investigator as defined in §
28 2–208.4 of the Criminal Procedure Article;

29 (7) a City of Hagerstown fire and explosive investigator as defined in §
30 2–208.5 of the Criminal Procedure Article; or

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

1 **[(e)] (F)** “Rifle” means a weapon that is:

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

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

7 **[(f)] (G)** “Short-barreled rifle” means:

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

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

11 **[(g)] (H)** “Short-barreled shotgun” means:

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

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

15 **[(h)] (I)** “Shotgun” means a weapon that is:

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

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

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

23 4–203.

24 (a) **[(1)]** Except as provided in subsection (b) of this section, a person may not
25 **KNOWINGLY:**

26 **[(i)] (1)** wear, carry, or transport a handgun, whether concealed or
27 open, on [or about] the person;

28 **[(ii)] (2)** wear, carry, or [knowingly] transport a handgun, whether
29 concealed or open, in a vehicle traveling on a road or parking lot generally used by the

1 public, highway, waterway, or airway of the State;

2 [(iii)] (3) violate item [(i)] (1) or [(ii)] (2) of this [paragraph]
3 SUBSECTION while on public school property in the State;

4 [(iv)] (4) violate item [(i)] (1) or [(ii)] (2) of this [paragraph]
5 SUBSECTION with the deliberate purpose of injuring or killing another person; or

6 [(v)] (5) violate item [(i)] (1) or [(ii)] (2) of this [paragraph]
7 SUBSECTION with a handgun loaded with ammunition.

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

10 (b) This section does not prohibit:

11 (1) the wearing, carrying, or transporting of a handgun by a person who is
12 authorized at the time and under the circumstances to wear, carry, or transport the
13 handgun as part of the person's official equipment, and is:

14 (i) a law enforcement official of the United States, the State, or a
15 county or city of the State;

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

18 (iii) a law enforcement official of another state or subdivision of
19 another state temporarily in this State on official business;

20 (iv) a correctional officer or warden of a correctional facility in the
21 State;

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

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

24 (2) the wearing, carrying, or transporting of a handgun by a person to
25 whom a permit to wear, carry, or transport the handgun has been issued under Title 5,
26 Subtitle 3 of the Public Safety Article;

27 (3) the carrying of a handgun on the person or in a vehicle while the person
28 is transporting the handgun to or from the place of legal purchase or sale, or to or from a
29 bona fide repair shop, or between bona fide residences of the person, or between the bona
30 fide residence and place of business of the person, if the business is operated and owned
31 substantially by the person if each handgun is unloaded and carried in an enclosed case or
32 an enclosed holster;

1 (4) the wearing, carrying, or transporting by a person of a handgun used in
2 connection with an organized military activity, a target shoot, formal or informal target
3 practice, sport shooting event, hunting, a Department of Natural Resources–sponsored
4 firearms and hunter safety class, trapping, or a dog obedience training class or show, while
5 the person is engaged in, on the way to, or returning from that activity if each handgun is
6 unloaded and carried in an enclosed case or an enclosed holster;

7 (5) the moving by a bona fide gun collector of part or all of the collector’s
8 gun collection from place to place for public or private exhibition if each handgun is
9 unloaded and carried in an enclosed case or an enclosed holster;

10 (6) the wearing, carrying, or transporting of a handgun by a person on real
11 estate that the person owns or leases or where the person resides or within the confines of
12 a business establishment that the person owns or leases;

13 (7) the wearing, carrying, or transporting of a handgun by a supervisory
14 employee:

15 (i) in the course of employment;

16 (ii) within the confines of the business establishment in which the
17 supervisory employee is employed; and

18 (iii) when so authorized by the owner or manager of the business
19 establishment;

20 (8) the carrying or transporting of a signal pistol or other visual distress
21 signal approved by the United States Coast Guard in a vessel on the waterways of the State
22 or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed
23 case, in a vehicle; or

24 (9) the wearing, carrying, or transporting of a handgun by a person who is
25 carrying a court order requiring the surrender of the handgun, if:

26 (i) the handgun is unloaded;

27 (ii) the person has notified the law enforcement unit, barracks, or
28 station that the handgun is being transported in accordance with the court order; and

29 (iii) the person transports the handgun directly to the law
30 enforcement unit, barracks, or station.

31 (c) (1) A person who violates this section is guilty of a misdemeanor and on
32 conviction is subject to the penalties provided in this subsection.

33 (2) If the person has not previously been convicted under this section, §

1 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

2 (i) except as provided in [item] ITEMS (ii) AND (III) of this
3 paragraph, the person is subject to imprisonment for not less than 30 days and not
4 exceeding 5 years or a fine of not less than \$250 and not exceeding \$2,500 or both; [or]

5 (ii) if the person violates subsection [(a)(1)(iii)] **(A)(3)** of this section,
6 the person shall be sentenced to imprisonment for not less than 90 days; OR

7 **(III) IF THE PERSON VIOLATES SUBSECTION (A)(1), (2), OR (5) OF**
8 **THIS SECTION THE PERSON SHALL BE SUBJECT TO A FINE NOT EXCEEDING \$1,000**
9 **IF THE PERSON IS NOT OTHERWISE PROHIBITED BY LAW FROM POSSESSING A**
10 **FIREARM.**

11 (3) (i) If the person has previously been convicted once under this
12 section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

13 1. except as provided in item 2 of this subparagraph, the
14 person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

15 2. if the person violates subsection [(a)(1)(iii)] **(A)(3)** of this
16 section, the person is subject to imprisonment for not less than 3 years and not exceeding
17 10 years.

18 (ii) 1. Except as provided in subparagraph 2 of this
19 subparagraph, the court may not impose less than the applicable minimum sentence
20 provided under subparagraph (i) of this paragraph.

21 2. If the person violates subsection [(a)(1)(v)] **(A)(5)** of this
22 section, the court may not suspend any part of or impose less than the applicable mandatory
23 minimum sentence provided under subparagraph (i) of this paragraph.

24 (iii) Except as provided in § 4–305 of the Correctional Services
25 Article, if the person violates subsection [(a)(1)(v)] **(A)(5)** of this section, the person is not
26 eligible for parole during the mandatory minimum sentence.

27 (iv) A mandatory minimum sentence under subparagraph (ii)2 of this
28 paragraph may not be imposed unless the State's Attorney notifies the defendant in writing
29 at least 30 days before trial of the State's intention to seek the mandatory minimum
30 sentence.

31 (4) (i) If the person has previously been convicted more than once under
32 this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination
33 of these crimes:

34 1. except as provided in item 2 of this subparagraph, the

1 person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2 2. A. if the person violates subsection [(a)(1)(iii)] **(A)(3)**
3 of this section, the person is subject to imprisonment for not less than 5 years and not
4 exceeding 10 years; or

5 B. if the person violates subsection [(a)(1)(iv)] **(A)(4)** of this
6 section, the person is subject to imprisonment for not less than 5 years and not exceeding
7 10 years.

8 (ii) 1. Except as provided in subparagraph 2 of this
9 subparagraph, the court may not impose less than the applicable minimum sentence
10 provided under subparagraph (i) of this paragraph.

11 2. If the person violates subsection [(a)(1)(v)] **(A)(5)** of this
12 section, the court may not suspend any part of or impose less than the applicable mandatory
13 minimum sentence provided under subparagraph (i) of this paragraph.

14 (iii) Except as provided in § 4–305 of the Correctional Services
15 Article, if the person violates subsection [(a)(1)(v)] **(A)(5)** of this section, the person is not
16 eligible for parole during the mandatory minimum sentence.

17 (iv) A mandatory minimum sentence under subparagraph (ii)2 of this
18 paragraph may not be imposed unless the State’s Attorney notifies the defendant in writing
19 at least 30 days before trial of the State’s intention to seek the mandatory minimum
20 sentence.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2025.