

SENATE BILL 329

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SB 10/21 – EHE

EMERGENCY BILL

2lr1153
CF HB 30

By: **Senators Waldstreicher and Ferguson**

Introduced and read first time: January 20, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Polling Sites – Firearms Prohibitions**

3 FOR the purpose of prohibiting a person from carrying or displaying a firearm on certain
4 premises or carrying or possessing a firearm within a certain number of feet of a
5 polling site during an election, subject to certain exceptions; and generally relating
6 to prohibiting firearms in polling sites during an election.

7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 16–903 and 16–1002
10 Annotated Code of Maryland
11 (2017 Replacement Volume and 2021 Supplement)

12 BY adding to
13 Article – Election Law
14 Section 16–904
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2021 Supplement)

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

19 **Article – Election Law**

20 16–903.

21 (a) Except as provided in subsection (b) of this section, a person may not attire or
22 equip an individual, or permit an individual to be attired or equipped, in a manner which
23 creates the appearance that the individual is performing an official or governmental
24 function in connection with an election, including:

- 25 (1) wearing a public or private law enforcement or security guard uniform;
- 26 (2) using an armband; or
- 27 (3) except as required by law or by regulation adopted by the State Board

1 in connection with ballot security activities, carrying or displaying a [gun] FIREARM, AS
2 DEFINED IN § 16-904(A) OF THIS SUBTITLE, or badge within 100 feet of a polling site on
3 election day.

4 (b) (1) A law enforcement officer or security guard who is on duty or traveling
5 to or from duty may vote while wearing a uniform.

6 (2) A law enforcement officer who is performing an official governmental
7 function may wear a uniform at a polling site.

8 (c) A person who violates this section is subject to the civil penalty specified under
9 § 16-1002 of this title.

10 **16-904.**

11 (A) (1) IN THIS SECTION, "FIREARM" MEANS A WEAPON THAT EXPELS, IS
12 DESIGNED TO EXPEL, OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY
13 THE ACTION OF AN EXPLOSIVE.

14 (2) "FIREARM" INCLUDES AN ANTIQUE FIREARM, A HANDGUN, A
15 RIFLE, A SHOTGUN, A SHORT-BARRELED RIFLE, A SHORT-BARRELED SHOTGUN, A
16 STARTER GUN, OR ANY OTHER FIREARM, WHETHER LOADED OR UNLOADED.

17 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND §
18 16-903 OF THIS SUBTITLE, A PERSON MAY NOT:

19 (1) CARRY OR DISPLAY A FIREARM ON THE PREMISES OF A PRIVATELY
20 OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE DURING AN
21 ELECTION, INCLUDING IN A PARKING LOT; OR

22 (2) CARRY OR POSSESS A FIREARM WITHIN 100 FEET OF A POLLING
23 SITE DURING AN ELECTION.

24 (C) (1) AN INDIVIDUAL IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS
25 SECTION IF THE INDIVIDUAL IS:

26 (I) A LAW ENFORCEMENT OFFICER IN THE REGULAR COURSE
27 OF THE OFFICER'S DUTY; OR

28 (II) AN OFF-DUTY LAW ENFORCEMENT OFFICER, IF:

29 1. THE OFFICER IS DISPLAYING THE OFFICER'S BADGE
30 OR CREDENTIAL; AND

31 2. THE WEAPON CARRIED OR POSSESSED BY THE

1 OFFICER IS CONCEALED.

2 (2) AN INDIVIDUAL IS NOT IN VIOLATION OF SUBSECTION (B)(2) OF
3 THIS SECTION IF:

4 (I) THE INDIVIDUAL IS LEGALLY IN POSSESSION OF A FIREARM;

5 (II) THE RESIDENCE OF THE INDIVIDUAL IS WITHIN 100 FEET OF
6 A PRIVATELY OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE
7 DURING AN ELECTION; AND

8 (III) THE INDIVIDUAL IS TRANSFERRING THE FIREARM TO THE
9 INDIVIDUAL'S RESIDENCE OR VEHICLE WITHIN 100 FEET OF A POLLING PLACE.

10 (D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE CIVIL
11 PENALTY SPECIFIED UNDER § 16-1002 OF THIS TITLE.

12 16-1002.

13 A person who violates § 16-201(a)(6) or (7) [or], § 16-903, OR § 16-904 of this title
14 without knowing that the act is illegal shall pay a civil penalty and have the matter
15 adjudicated in accordance with § 13-604 of this article.

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