

HOUSE BILL 879

E4

6lr3377
CF SB 742

By: **Delegate Carter**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Imitation Firearms – Prohibition**

3 FOR the purpose of prohibiting the sale, offer of sale, possession, use, attempt to use, or
4 transfer of a certain imitation firearm; defining certain terms; establishing certain
5 criminal penalties; authorizing the Attorney General to file a civil action to enjoin
6 violation of this Act; authorizing a circuit court to enjoin a violation of this Act;
7 establishing certain exceptions; and generally relating to imitation firearms.

8 BY adding to

9 Article – Public Safety

10 Section 5–601 through 5–603 to be under the new subtitle “Subtitle 6. Imitation
11 Firearms”

12 Annotated Code of Maryland

13 (2011 Replacement Volume and 2015 Supplement)

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

16 **Article – Public Safety**

17 **SUBTITLE 6. IMITATION FIREARMS.**

18 **5–601.**

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) “ANTIQUE FIREARM” HAS THE MEANING STATED IN § 4–201 OF THE
22 CRIMINAL LAW ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (C) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

2 (D) "HANDGUN" HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL
3 LAW ARTICLE.

4 (E) (1) "IMITATION FIREARM" MEANS A TOY, A DEVICE, OR AN OBJECT
5 THAT SUBSTANTIALLY DUPLICATES OR CAN REASONABLY BE PERCEIVED TO BE A
6 FIREARM OR A HANDGUN.

7 (2) "IMITATION FIREARM" DOES NOT INCLUDE A TOY, A DEVICE, OR
8 AN OBJECT THAT:

9 (I) HAS AN ENTIRE EXTERIOR SURFACE AREA COLOR OF
10 BRIGHT RED, BRIGHT ORANGE, BRIGHT YELLOW, BRIGHT GREEN, BRIGHT BLUE,
11 BRIGHT PINK, OR BRIGHT PURPLE, EITHER SINGLY OR AS THE PREDOMINANT
12 COLOR IN COMBINATION WITH OTHER COLORS IN ANY PATTERN;

13 (II) HAS A BARREL THAT IS CLOSED FOR A DISTANCE OF NOT
14 LESS THAN ONE-HALF INCH FROM THE FRONT END OF THE BARREL WITH THE SAME
15 MATERIAL OF WHICH THE TOY, DEVICE, OR OBJECT IS MADE;

16 (III) HAS LEGIBLY STAMPED ON THE EXTERIOR THE NAME OF
17 THE MANUFACTURER OR SOME TRADE NAME, MARK, OR BRAND BY WHICH THE
18 MANUFACTURER CAN BE READILY IDENTIFIED; OR

19 (IV) IS A NONFIRING COLLECTOR REPLICA OF AN ANTIQUE
20 FIREARM.

21 5-602.

22 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
23 MAY NOT SELL, OFFER TO SELL, POSSESS, USE, ATTEMPT TO USE, OR TRANSFER AN
24 IMITATION FIREARM.

25 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
26 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
27 FINE NOT EXCEEDING \$1,000 OR BOTH FOR EACH VIOLATION OF THIS SECTION.

28 (C) THIS SUBTITLE DOES NOT APPLY TO THE POSSESSION, USE, OR DISPLAY
29 OF AN IMITATION FIREARM AS PART OF A:

30 (1) TELEVISION PROGRAM;

1 **(2) THEATRICAL PRODUCTION; OR**

2 **(3) MOTION PICTURE.**

3 **5-603.**

4 **(A) THE ATTORNEY GENERAL OF THE STATE MAY FILE A CIVIL ACTION TO**
5 **ENFORCE § 5-602 OF THIS SUBTITLE ON BEHALF OF THE STATE IN THE CIRCUIT**
6 **COURT FOR A COUNTY IN WHICH A PERSON IS ALLEGED TO BE IN VIOLATION OF §**
7 **5-602 OF THIS SUBTITLE.**

8 **(B) IN AN ACTION FILED UNDER THIS SECTION, A CIRCUIT COURT MAY ISSUE**
9 **A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR PERMANENT**
10 **INJUNCTION TO ENJOIN A VIOLATION OF § 5-602 OF THIS SUBTITLE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2016.