

SENATE BILL 479

E4, E1

1lr1454
CF HB 200

By: **Senator Smith**

Introduced and read first time: January 20, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Access to Firearms – Storage Requirements**
3 **(Jaelynn’s Law)**

4 FOR the purpose of altering a certain prohibition to prohibit a person from storing or
5 leaving a firearm in a location where a minor could gain access to the firearm;
6 altering a certain exception to the prohibition; establishing certain exceptions to the
7 prohibition; prohibiting a person from storing or leaving a firearm in a location where
8 an unsupervised minor could gain access to the firearm and an unsupervised minor
9 does gain access to the firearm; prohibiting a person from storing or leaving a firearm
10 in a location where a minor could gain access to the firearm, an unsupervised minor
11 does gain access to the firearm, and the firearm causes harm to the minor or another
12 person; establishing penalties for a violation of this Act; repealing a certain defined
13 term; providing for the application of a certain provision of this Act; and generally
14 relating to storage of firearms.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 4–104
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2020 Supplement)

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

22 **Article – Criminal Law**

23 4–104.

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

25 (2) “Ammunition” means a cartridge, shell, or other device containing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 explosive or incendiary material designed and intended for use in a firearm.

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

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

6 (ii) "Firearm" does not include an antique firearm as defined in §
7 4-201 of this title.

8 (b) This section does not apply if:

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

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

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

15 (4) **FOR A RIFLE OR SHOTGUN:**

16 (I) the [child] MINOR:

17 1. has a certificate of firearm and hunter safety issued under
18 § 10-301.1 of the Natural Resources Article; AND

19 2. **HAS BEEN GIVEN EXPRESS PERMISSION BY THE**
20 **MINOR'S PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE**
21 **PURPOSE OF ENGAGING IN A LAWFUL ACTIVITY; AND**

22 (II) **THE PERSON WHO STORES OR LEAVES THE FIREARM**
23 **STORES OR LEAVES:**

24 1. **THE FIREARM UNLOADED; AND**

25 2. **ANY AMMUNITION THAT THE PERSON OWNS OR**
26 **CONTROLS THAT IS SUITABLE FOR USE IN THE FIREARM IN A SECURE LOCATION**
27 **WHERE A MINOR COULD NOT REASONABLY GAIN ACCESS TO THE AMMUNITION; OR**

28 (5) **THE FIREARM IS LEFT OR STORED UNLOADED AND HAS BEEN**
29 **RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT.**

1 (c) **(1)** A person may not store or leave a [loaded] firearm in a location where
2 the person knew or should have known that an unsupervised [child would] **MINOR COULD**
3 gain access to the firearm.

4 **(2)** A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION
5 **WHERE:**

6 **(I)** THE PERSON KNEW OR SHOULD HAVE KNOWN THAT AN
7 **UNSUPERVISED MINOR COULD GAIN ACCESS TO THE FIREARM; AND**

8 **(II)** AN UNSUPERVISED MINOR DOES GAIN ACCESS TO THE
9 **FIREARM.**

10 **(3)** A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION
11 **WHERE:**

12 **(I)** THE PERSON KNEW OR SHOULD HAVE KNOWN THAT AN
13 **UNSUPERVISED MINOR COULD GAIN ACCESS TO THE FIREARM;**

14 **(II)** AN UNSUPERVISED MINOR DOES GAIN ACCESS TO THE
15 **FIREARM; AND**

16 **(III)** THE FIREARM CAUSES HARM TO THE MINOR OR TO
17 **ANOTHER PERSON.**

18 (d) **(1)** A person who violates **SUBSECTION (C)(1)** OF this section is guilty of
19 a misdemeanor and on conviction is subject to **IMPRISONMENT NOT EXCEEDING 90 DAYS**
20 **OR** a fine not exceeding \$1,000 **OR BOTH.**

21 **(2)** A PERSON WHO VIOLATES **SUBSECTION (C)(2)** OF THIS SECTION IS
22 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
23 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

24 **(3)** A PERSON WHO VIOLATES **SUBSECTION (C)(3)** OF THIS SECTION IS
25 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
26 **NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

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

28 (i) be considered evidence of negligence;

29 (ii) be considered evidence of contributory negligence;

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

1 (iv) diminish recovery for damages arising out of the ownership,
2 maintenance, or operation of a firearm or ammunition.

3 (2) A party, witness, or lawyer may not refer to a violation of this section
4 during a trial of a civil action that involves property damage, personal injury, or death.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.