

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2018, Legislative Day No. 9

Bill No. 52-18

Mrs. Vicki Almond, Councilwoman

By the County Council, May 7, 2018

A BILL
ENTITLED

AN ACT concerning

Prevention of Access to Firearms by Minor

FOR the purpose of prohibiting unsupervised access to a firearm by a minor; defining terms; providing exceptions and limitations; and generally relating to firearms and weapons.

BY repealing and re-enacting, with amendments

Section 17-2-103
Article 17 – Miscellaneous Provisions and Offenses
Title 2 – Firearms and Weapons
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY adding

Section 17-2-104
Article 17 – Miscellaneous Provisions and Offenses
Title 2 – Firearms and Weapons
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3
4 ARTICLE 17. MISCELLANEOUS PROVISIONS AND OFFENSES

5 Title 2. Firearms and Weapons

6
7 § 17-2-103. [PENALTY] UNSUPERVISED ACCESS BY MINOR.

8 [A person who violates any provision of § 17-2-101 or § 17-2-102 of this title is guilty of a
9 misdemeanor.]

10 (A) DEFINITIONS. IN THIS SECTION THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

12 (1) “AMMUNITION” MEANS A CARTRIDGE, SHELL, OR OTHER DEVICE
13 CONTAINING EXPLOSIVE OR INCENDIARY MATERIAL DESIGNED AND INTENDED
14 FOR USE IN A FIREARM.

15 (2) “MINOR” MEANS AN INDIVIDUAL DEFINED IN § 13-12-101(D) OF THE
16 COUNTY CODE.

17 (3) “FIREARM” MEANS A HANDGUN, RIFLE, SHOTGUN, SHORT-BARRELED
18 RIFLE, OR SHORT-BARRELED SHOTGUN, AS THOSE TERMS ARE DEFINED IN § 4-201
19 OF THE CRIMINAL LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, OR

1 ANY OTHER FIREARM. "FIREARM" DOES NOT INCLUDE AN ANTIQUE FIREARM AS
2 DEFINED IN § 4-201 OF THAT ARTICLE.

3 (B) THIS SECTION DOES NOT APPLY IF:

4 (1) THE MINOR'S ACCESS TO A FIREARM IS SUPERVISED BY AN INDIVIDUAL
5 AT LEAST 18 YEARS OLD;

6 (2) THE MINOR'S ACCESS TO A FIREARM WAS OBTAINED AS A RESULT OF
7 AN UNLAWFUL ENTRY;

8 (3) THE FIREARM IS IN THE POSSESSION OR CONTROL OF A LAW
9 ENFORCEMENT OFFICER WHILE THE OFFICER IS ENGAGED IN OFFICIAL DUTIES;
10 OR

11 (4) THE MINOR HAS A CERTIFICATE OF FIREARM AND HUNTER SAFETY
12 ISSUED UNDER § 10-301.1 OF THE NATURAL RESOURCES ARTICLE OF THE
13 ANNOTATED CODE OF MARYLAND.

14 (C) SUBJECT TO THE PROVISIONS OF § 17-2-102 OF THIS TITLE, A PERSON MAY NOT
15 STORE OR LEAVE A LOADED FIREARM IN A LOCATION WHERE THE PERSON KNEW
16 OR SHOULD HAVE KNOWN THAT AN UNSUPERVISED MINOR WOULD GAIN ACCESS
17 TO THE FIREARM.

18 (D) (1) A VIOLATION OF THIS SECTION MAY NOT:

19 (I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

20 (II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

21 (III) LIMIT LIABILITY OF A PARTY OR AN INSURER; OR

22 (IV) DIMINISH RECOVERY FOR DAMAGES ARISING OUT OF THE OWNERSHIP,
23 MAINTENANCE, OR OPERATION OF A FIREARM OR AMMUNITION.

1 (2) A PARTY, WITNESS, OR LAWYER MAY NOT REFER TO A VIOLATION OF THIS
2 SECTION DURING A TRIAL OF A CIVIL ACTION THAT INVOLVES PROPERTY
3 DAMAGE, PERSONAL INJURY, OR DEATH.

4 § 17-2-104. PENALTY.

5 A PERSON WHO VIOLATES ANY PROVISION OF § 17-2-101, § 17-2-102, OR § 17-2-103
6 OF THIS TITLE IS GUILTY OF A MISDEMEANOR.

7

8 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
9 the affirmative vote of five members of the County Council, shall take effect on June 18, 2018.