

HOUSE BILL 430

E4, C4

4lr0529

By: **Delegates Hill, Fair, Feldmark, Foley, Guyton, Kaufman, Lehman, R. Lewis, Pasteur, Ruth, Simpson, Taveras, Terrasa, Woods, and Wu**

Introduced and read first time: January 18, 2024

Assigned to: Judiciary and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Liability Insurance – Public Wearing and Carrying**

3 FOR the purpose of altering the circumstances under which a person is disqualified from
4 possessing a regulated firearm, a rifle, and a shotgun; prohibiting a person from
5 wearing or carrying a firearm under certain circumstances unless the person has
6 obtained certain liability insurance related to wearing and carrying a firearm;
7 providing for the form and issuance of a citation for a violation of this Act; requiring
8 the District Court to schedule a trial for an alleged violation of this Act within a
9 certain number of days after a citation is issued; providing for a person to obtain
10 relief from disqualification from possessing a regulated firearm, a rifle, and a
11 shotgun after being convicted of a violation of this Act; and generally relating to
12 liability insurance for public wearing and carrying of firearms.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 5–133(b) and 5–205(b)
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2023 Supplement)

18 BY adding to
19 Article – Public Safety
20 Section 5–901 through 5–903 to be under the new subtitle “Subtitle 9. Liability
21 Insurance for Public Wearing and Carrying of Firearms”
22 Annotated Code of Maryland
23 (2022 Replacement Volume and 2023 Supplement)

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

26 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5–133.

2 (b) Subject to § 5–133.3 of this subtitle **AND § 5–903 OF THIS TITLE**, a person
3 may not possess a regulated firearm if the person:

4 (1) has been convicted of a disqualifying crime;

5 (2) has been convicted of a violation classified as a common law crime and
6 received a term of imprisonment of more than 2 years;

7 (3) (i) has been convicted on or after October 1, 2023, of a second or
8 subsequent violation of § 4–104 of the Criminal Law Article; or

9 (ii) has been convicted on or after October 1, 2023, of a violation of §
10 4–104 of the Criminal Law Article if the violation resulted in the use of a loaded firearm by
11 a minor causing death or serious bodily injury to the minor or another person;

12 (4) subject to subsection (b–1) of this section, is on supervised probation
13 after being convicted:

14 (i) of a crime punishable by imprisonment for 1 year or more;

15 (ii) for a violation of § 21–902(b) or (c) of the Transportation Article;
16 or

17 (iii) for violating a protective order under § 4–509 of the Family Law
18 Article;

19 (5) is a fugitive from justice;

20 (6) is a habitual drunkard;

21 (7) is addicted to a controlled dangerous substance or is a habitual user;

22 (8) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health
23 – General Article and has a history of violent behavior against the person or another;

24 (9) has been found incompetent to stand trial under § 3–106 of the Criminal
25 Procedure Article;

26 (10) has been found not criminally responsible under § 3–110 of the
27 Criminal Procedure Article;

28 (11) has been voluntarily admitted for more than 30 consecutive days to a
29 facility as defined in § 10–101 of the Health – General Article;

(12) has been involuntarily committed to a facility as defined in § 10–101 of the Health – General Article;

(13) is under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;

(14) except as provided in subsection (e) of this section, is a respondent against whom:

(i) a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or

(ii) an order for protection, as defined in § 4–508.1 of the Family Law Article, has been issued by a court of another state or a Native American tribe and is in effect; [or]

(15) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult; **OR**

(16) HAS BEEN CONVICTED OF FAILING TO MAINTAIN FIREARM LIABILITY INSURANCE UNDER § 5–902 OF THIS TITLE.

5–205.

(b) A person may not possess a rifle or shotgun if the person:

(1) has been convicted of a disqualifying crime as defined in § 5–101 of this title;

(2) has been convicted of a violation classified as a crime under common law and received a term of imprisonment of more than 2 years;

(3) is a fugitive from justice;

(4) is a habitual drunkard as defined in § 5–101 of this title;

(5) is addicted to a controlled dangerous substance or is a habitual user as defined in § 5–101 of this title;

(6) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health – General Article and has a history of violent behavior against the person or another;

(7) has been found incompetent to stand trial under § 3–106 of the Criminal Procedure Article;

(8) has been found not criminally responsible under § 3–110 of the Criminal Procedure Article;

(9) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;

(10) has been involuntarily committed to a facility as defined in § 10–101 of the Health – General Article;

(11) is under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;

(12) except as provided in subsection (c) of this section, is a respondent against whom:

(i) a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or

(ii) an order for protection, as defined in § 4–508.1 of the Family Law Article, has been issued by a court of another state or a Native American tribe and is in effect; [or]

(13) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult; **OR**

(14) SUBJECT TO § 5–903 OF THIS TITLE, HAS BEEN CONVICTED OF FAILING TO MAINTAIN FIREARM LIABILITY INSURANCE UNDER § 5–902 OF THIS TITLE.

SUBTITLE 9. LIABILITY INSURANCE FOR PUBLIC WEARING AND CARRYING OF FIREARMS.

5–901.

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

(B) (1) “FIREARM” MEANS A WEAPON THAT EXPELS, IS DESIGNED TO EXPEL, OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE.

(2) “FIREARM” DOES NOT INCLUDE:

1 (I) AN ANTIQUE FIREARM AS DEFINED IN § 4-201 OF THE
2 CRIMINAL LAW ARTICLE; OR

3 (II) A STARTER GUN.

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

6 (D) "RIFLE" HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL LAW
7 ARTICLE.

8 (E) "SHOTGUN" HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL
9 LAW ARTICLE.

10 5-902.

11 (A) A PERSON MAY NOT WEAR OR CARRY A FIREARM UNLESS THE PERSON
12 HAS OBTAINED AND IS COVERED BY LIABILITY INSURANCE ISSUED BY AN INSURER
13 AUTHORIZED TO DO BUSINESS IN THE STATE UNDER THE INSURANCE ARTICLE TO
14 COVER CLAIMS FOR PROPERTY DAMAGE, BODILY INJURY, OR DEATH ARISING FROM
15 AN ACCIDENT RESULTING FROM THE PERSON'S USE OR STORAGE OF A FIREARM OF
16 UP TO \$300,000 FOR DAMAGES ARISING FROM THE SAME INCIDENT, IN ADDITION TO
17 INTEREST AND COSTS.

18 (B) THIS SECTION DOES NOT APPLY TO:

19 (1) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, THE
20 NATIONAL GUARD, OR THE UNIFORMED SERVICES ON DUTY OR TRAVELING TO OR
21 FROM DUTY;

22 (2) A LAW ENFORCEMENT OFFICER EMPLOYED BY THE FEDERAL
23 GOVERNMENT TO ENFORCE THE LAWS OF THE UNITED STATES WHILE ON DUTY OR
24 TRAVELING TO OR FROM DUTY;

25 (3) A FIREARM THAT IS UNLOADED; OR

26 (4) THE WEARING OR CARRYING OF A SIGNAL PISTOL OR OTHER
27 VISUAL DISTRESS SIGNAL APPROVED BY THE UNITED STATES COAST GUARD.

28 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND § 5-903
29 OF THIS SUBTITLE, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
30 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO LOSS OF THE PERSON'S RIGHT
31 TO POSSESS A REGULATED FIREARM, A RIFLE, AND A SHOTGUN.

(2) A COURT MAY NOT FIND A PERSON GUILTY OF VIOLATING THIS SECTION IF, BEFORE THE CONCLUSION OF THE TRIAL FOR AN ALLEGED VIOLATION OF THIS SECTION, THE PERSON SUBMITS PROOF TO THE COURT AND THE STATE'S ATTORNEY THAT THE PERSON HAS OBTAINED AND IS CURRENTLY COVERED BY THE LIABILITY INSURANCE REQUIRED UNDER THIS SECTION TO PROSPECTIVELY INSURE AGAINST THE PERSON'S LIABILITY ARISING FROM THE PERSON'S USE OR STORAGE OF A FIREARM.

(D) A VIOLATION OF THIS SECTION SHALL BE TRIED IN THE DISTRICT COURT.

(E) (1) A POLICE OFFICER WHO CHARGES A PERSON UNDER THIS SECTION SHALL ISSUE A CITATION, AND PROVIDE A COPY, TO THE PERSON CHARGED.

(2) A CITATION ISSUED TO A PERSON UNDER THIS SECTION SHALL CONTAIN:

(I) A NOTICE THAT:

1. A. THE CITATION IS A SUMMONS TO APPEAR AS NOTIFIED BY THE DISTRICT COURT THROUGH A TRIAL NOTICE SETTING THE DATE, TIME, AND PLACE FOR THE PERSON TO APPEAR; OR

B. THE DISTRICT COURT SHALL ISSUE A WRIT SETTING THE DATE, TIME, AND PLACE FOR THE PERSON TO APPEAR;

2. IF THE PERSON NAMED IN THE CITATION IS FOUND GUILTY OF THE OFFENSE CHARGED IN THE CITATION, THE PERSON SHALL LOSE THE PERSON'S RIGHT TO POSSESS A FIREARM; AND

3. THE PERSON NAMED IN THE CITATION MAY NOT BE FOUND GUILTY AND MAY NOT LOSE THE PERSON'S RIGHT TO POSSESS A FIREARM IF THE PERSON OBTAINS LIABILITY INSURANCE IN ACCORDANCE WITH THIS SECTION AND SUBMITS PROOF OF INSURANCE TO THE COURT AND THE STATE'S ATTORNEY AT ANY TIME BEFORE THE CONCLUSION OF THE TRIAL FOR THE VIOLATION;

(II) THE NAME AND ADDRESS OF THE PERSON;

(III) THE NUMBER OF THE DRIVER'S LICENSE OR STATE IDENTIFICATION CARD;

(IV) AN ACKNOWLEDGMENT OF RECEIPT OF THE CITATION, TO BE EXECUTED BY THE PERSON AS REQUIRED UNDER § 1-605 OF THE COURTS ARTICLE;

(V) NEAR THE ACKNOWLEDGMENT, A CLEAR AND CONSPICUOUS STATEMENT THAT:

1. ACKNOWLEDGMENT OF THE CITATION BY THE PERSON DOES NOT CONSTITUTE AN ADMISSION OF GUILT; AND

2. THE FAILURE TO ACKNOWLEDGE RECEIPT OF THE CITATION MAY SUBJECT THE PERSON TO ARREST; AND

(VI) ANY OTHER NECESSARY INFORMATION.

(3) THE DISTRICT COURT SHALL SCHEDULE A TRIAL FOR AN ALLEGED VIOLATION OF THIS SECTION TO BE HELD WITHIN 30 CALENDAR DAYS AFTER THE DATE THE CITATION IS ISSUED.

5-903.

(A) A PERSON WHO IS DISQUALIFIED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133(B)(16) OF THIS TITLE AND A RIFLE OR SHOTGUN UNDER § 5-205(B)(14) OF THIS TITLE MAY APPLY TO THE DISTRICT COURT FOR THE COUNTY IN WHICH THE PERSON WAS CONVICTED FOR RELIEF FROM THE DISQUALIFICATION IF THE APPLICANT:

(1) IS NOT DISQUALIFIED FROM POSSESSING A FIREARM UNDER ANY OTHER PROVISION OF STATE OR FEDERAL LAW; AND

(2) HAS OBTAINED AND IS CURRENTLY COVERED BY THE LIABILITY INSURANCE SPECIFIED UNDER § 5-902 OF THIS SUBTITLE TO INSURE PROSPECTIVELY AGAINST LIABILITY ARISING FROM THE PERSON'S USE OR STORAGE OF A FIREARM.

(B) AN APPLICATION UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE EVIDENCE THAT THE APPLICANT HAS OBTAINED INSURANCE SPECIFIED UNDER § 5-902 OF THIS SUBTITLE.

(C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF THE COURT FINDS THAT THE APPLICANT HAS SUBMITTED SATISFACTORY EVIDENCE THAT THE APPLICANT HAS OBTAINED LIABILITY INSURANCE, THE COURT SHALL ISSUE AN ORDER THAT THE APPLICANT IS RELIEVED FROM DISQUALIFICATION

1 FROM POSSESSING A REGULATED FIREARM UNDER § 5-133(B)(16) OF THIS TITLE
2 AND FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205(B)(14) OF THIS TITLE.

3 (2) THE ORDER SHALL STATE THAT THE ORDER:

4 (I) WILL CEASE TO BE VALID IF THE APPLICANT IS CONVICTED
5 OF A SUBSEQUENT VIOLATION OF § 5-902 OF THIS SUBTITLE; AND

6 (II) MAY NOT BE CONSTRUED TO RELIEVE THE APPLICANT OF
7 ANY DISQUALIFICATION FROM POSSESSING A FIREARM OTHER THAN A
8 DISQUALIFICATION UNDER §§ 5-133(B)(16) AND 5-205(B)(14) OF THIS TITLE.

9 (3) THE COURT SHALL SEND A COPY OF AN ORDER ISSUED UNDER
10 THIS SUBSECTION TO:

11 (I) THE APPLICANT; AND

12 (II) THE MARYLAND STATE POLICE GUN CENTER.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2024.