

SENATE BILL 1

E1, E4

3lr0330

(PRE-FILED)

By: **Senators Waldstreicher and Lee**

Requested: August 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions**
3 **(Gun Safety Act of 2023)**

4 FOR the purpose of prohibiting a person from knowingly wearing, carrying, or transporting
5 a firearm onto the real property of another unless the other has given certain
6 permission; prohibiting a person from knowingly wearing, carrying, or transporting
7 a firearm within a certain distance of a certain place of public accommodation; and
8 generally relating to restrictions on wearing, carrying, or transporting firearms.

9 BY adding to

10 Article – Criminal Law
11 Section 4–111 and 4–112
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – State Government
16 Section 20–301
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2022 Supplement)

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

21 **Article – Criminal Law**

22 **4–111.**

23 **(A) IN THIS SECTION, “FIREARM” HAS THE MEANING STATED IN § 4–104 OF**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THIS SUBTITLE.

2 (B) THIS SECTION DOES NOT APPLY TO:

3 (1) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON
4 A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A
5 SERVITUDE, OR ANY OTHER INTEREST THAT ALLOWS PUBLIC ACCESS ON OR
6 THROUGH THE REAL PROPERTY;

7 (2) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON
8 A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A
9 SERVITUDE, OR ANY OTHER INTEREST ALLOWING ACCESS ON OR THROUGH THE
10 REAL PROPERTY BY:

11 (I) THE HOLDER OF THE EASEMENT, RIGHT-OF-WAY,
12 SERVITUDE, OR OTHER INTEREST; OR

13 (II) A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT,
14 RIGHT-OF-WAY, SERVITUDE, OR OTHER INTEREST; OR

15 (3) PROPERTY OWNED BY THE STATE OR A POLITICAL SUBDIVISION
16 OF THE STATE.

17 (C) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A
18 FIREARM ONTO THE REAL PROPERTY OF ANOTHER UNLESS THE OTHER HAS GIVEN
19 EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE PUBLIC GENERALLY, TO
20 WEAR, CARRY, OR TRANSPORT A FIREARM ON THE REAL PROPERTY.

21 (D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY
22 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
23 EXCEEDING 1 YEAR.

24 4-112.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS
28 SUBTITLE.

29 (3) "PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING
30 STATED IN § 20-301 OF THE STATE GOVERNMENT ARTICLE.

(B) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION.

(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR.

Article – State Government

20–301.

In this subtitle, “place of public accommodation” means:

(1) an inn, hotel, motel, or other establishment that provides lodging to transient guests;

(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises, including a facility located on the premises of a retail establishment or gasoline station;

(3) a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(4) a retail establishment that:

(i) is operated by a public or private entity; and

(ii) offers goods, services, entertainment, recreation, or transportation; or

(5) an establishment:

(i) 1. that is physically located within the premises of any other establishment covered by this subtitle; or

2. within the premises of which any other establishment covered by this subtitle is physically located; and

(ii) that holds itself out as serving patrons of the covered establishment.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.