

SENATE BILL 944

E4, P1

8lr3158

By: **Senators Mooney, Astle, DeGrange, Haines, Harris, Jacobs, Middleton, and Stone**

Introduced and read first time: February 25, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Governor's Emergency Powers - Seizure of Firearms and Ammunition**

3 FOR the purpose of prohibiting the Governor, after proclaiming a state of emergency,
4 from authorizing the seizure of a firearm or ammunition from an individual who
5 is lawfully carrying or possessing the firearm or ammunition; authorizing a
6 police officer who acts in an official capacity to disarm an individual under
7 certain circumstances; requiring a police officer to return a firearm or
8 ammunition to an individual under certain circumstances; and generally
9 relating to the powers of the Governor during a public emergency.

10 BY repealing and reenacting, without amendments,
11 Article - Public Safety
12 Section 14-303(a)
13 Annotated Code of Maryland
14 (2003 Volume and 2007 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Public Safety
17 Section 14-303(b)
18 Annotated Code of Maryland
19 (2003 Volume and 2007 Supplement)

20 BY adding to
21 Article - Public Safety
22 Section 14-303(e)
23 Annotated Code of Maryland
24 (2003 Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Public Safety**

2 14–303.

3 (a) During a public emergency in the State, the Governor may proclaim a
4 state of emergency and designate the emergency area:5 (1) if public safety is endangered or on reasonable apprehension of
6 immediate danger to public safety; and

7 (2) on:

8 (i) the Governor’s own initiative; or

9 (ii) the application of:

10 1. the chief executive officer or governing body of a
11 county or municipal corporation; or

12 2. the Secretary of State Police.

13 (b) After proclaiming a state of emergency, the Governor may promulgate
14 reasonable orders, rules, or regulations that the Governor considers necessary to
15 protect life and property or calculated effectively to control and terminate the public
16 emergency in the emergency area, including orders, rules, or regulations to:17 (1) control traffic, including public and private transportation, in the
18 emergency area;19 (2) designate specific zones in the emergency area in which the
20 occupancy and use of buildings and vehicles may be controlled;21 (3) control the movement of individuals or vehicles into, in, or from the
22 designated zones;

23 (4) control places of amusement and places of assembly;

24 (5) control individuals on public streets;

25 (6) establish curfews;

26 (7) control the sale, transportation, and use of alcoholic beverages;

27 (8) [control] **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS**
28 **SECTION, CONTROL** the possession, sale, carrying, and use of firearms, other
29 dangerous weapons, and ammunition; and

1 (9) control the storage, use, and transportation of explosives or
2 flammable materials or liquids considered to be dangerous to public safety, including
3 “Molotov cocktails”.

4 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
5 **GOVERNOR MAY NOT AUTHORIZE THE SEIZURE OF A FIREARM OR AMMUNITION**
6 **FROM AN INDIVIDUAL WHO IS LAWFULLY CARRYING OR POSSESSING THE**
7 **FIREARM OR AMMUNITION.**

8 **(2) (I) A POLICE OFFICER WHO ACTS IN AN OFFICIAL CAPACITY**
9 **MAY DISARM AN INDIVIDUAL IF THE POLICE OFFICER REASONABLY BELIEVES IT**
10 **IS IMMEDIATELY NECESSARY TO PROTECT THE OFFICER OR ANOTHER**
11 **INDIVIDUAL.**

12 **(II) UNLESS THE POLICE OFFICER ARRESTS THE**
13 **INDIVIDUAL OR SEIZES THE FIREARM OR AMMUNITION AS EVIDENCE IN AN**
14 **INVESTIGATION FOR THE COMMISSION OF A CRIME, THE POLICE OFFICER**
15 **SHALL RETURN THE FIREARM OR AMMUNITION TO THE INDIVIDUAL.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2008.