

SENATE BILL 676

E4, E1, J1

2lr2260
CF HB 659

By: **Senators Smith and Beidle**

Introduced and read first time: February 4, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Firearm Safety – Storage Requirements and Youth Suicide Prevention**
3 **(Jaelynn’s Law)**

4 FOR the purpose of altering a certain provision relating to the storage of firearms and
5 ammunition in a location that can be accessed by an unsupervised child; requiring
6 the Deputy Secretary for Public Health Services to develop a youth suicide
7 prevention and firearm safe storage guide, with recommendations from a
8 stakeholder committee; and generally relating to the storage of firearms and youth
9 suicide prevention.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 4–104
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2021 Supplement)

15 BY adding to
16 Article – Health – General
17 Section 13–39A–01 to be under the new subtitle “Subtitle 39A. Youth Suicide
18 Prevention and Firearm Safe Storage”
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

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

23 **Article – Criminal Law**

24 4–104.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Ammunition" means a cartridge, shell, or other device containing
2 explosive or incendiary material designed and intended for use in a firearm.

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

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

7 (ii) "Firearm" does not include an antique firearm as defined in §
8 4-201 of this title.

9 (b) This section does not apply if:

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

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

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

16 (4) **THE PERSON WHO STORES OR LEAVES THE FIREARM STORES OR**
17 **LEAVES:**

18 **(I) THE FIREARM UNLOADED;**

19 **(II) ANY AMMUNITION THAT THE PERSON OWNS OR CONTROLS**
20 **THAT IS SUITABLE FOR USE IN THE FIREARM IN A SECURE LOCATION WHERE A**
21 **MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION; AND**

22 **(III) THE FIREARM:**

23 **1. SECURED IN A LOCKED CONTAINER THAT IS**
24 **EQUIPPED WITH A TAMPER-RESISTANT LOCK; OR**

25 **2. RENDERED INOPERABLE TO ANYONE OTHER THAN AN**
26 **AUTHORIZED ADULT; OR**

27 **(5) FOR A RIFLE OR SHOTGUN the [child] MINOR:**

28 **(I) has a certificate of firearm and hunter safety issued under §**
29 **10-301.1 of the Natural Resources Article; AND**

1 **(II) HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR'S**
2 **PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF**
3 **ENGAGING IN A LAWFUL ACTIVITY.**

4 (c) **(1) A person may not store or leave a [loaded] firearm in a location where**
5 **the person knew or REASONABLY should have known that an unsupervised [child would]**
6 **MINOR IS LIKELY TO gain access to the firearm.**

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

9 **(I) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN**
10 **THAT AN UNSUPERVISED MINOR IS LIKELY TO GAIN ACCESS TO THE FIREARM; AND**

11 **(II) AN UNSUPERVISED MINOR DOES GAIN ACCESS TO THE**
12 **FIREARM.**

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

15 **(I) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN**
16 **THAT AN UNSUPERVISED MINOR IS LIKELY TO GAIN ACCESS TO THE FIREARM;**

17 **(II) AN UNSUPERVISED MINOR DOES GAIN ACCESS TO THE**
18 **FIREARM; AND**

19 **(III) THE MINOR'S ACCESS TO THE FIREARM RESULTS IN HARM**
20 **TO THE MINOR OR TO ANOTHER PERSON.**

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

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

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

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

31 (i) be considered evidence of negligence;

- 1 (ii) be considered evidence of contributory negligence;
- 2 (iii) limit liability of a party or an insurer; or
- 3 (iv) diminish recovery for damages arising out of the ownership,
4 maintenance, or operation of a firearm or ammunition.

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

7 **Article – Health – General**

8 **SUBTITLE 39A. YOUTH SUICIDE PREVENTION AND FIREARM SAFE STORAGE.**

9 **13-39A-01.**

10 (A) IN THIS SECTION, “GUIDE” MEANS THE YOUTH SUICIDE PREVENTION
11 AND FIREARM SAFE STORAGE GUIDE DEVELOPED UNDER SUBSECTION (B) OF THIS
12 SECTION.

13 (B) ON OR BEFORE JANUARY 1, 2023, THE DEPUTY SECRETARY FOR
14 PUBLIC HEALTH SERVICES SHALL DEVELOP A YOUTH SUICIDE PREVENTION AND
15 FIREARM SAFE STORAGE GUIDE.

16 (C) THE GUIDE DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION
17 SHALL:

18 (1) PROVIDE A DESCRIPTION OF THE FIREARM AND AMMUNITION
19 REQUIREMENTS ESTABLISHED UNDER § 4-104(B)(4) AND (5) OF THE CRIMINAL LAW
20 ARTICLE;

21 (2) IDENTIFY THE RISKS ASSOCIATED WITH UNSAFE FIREARM
22 STORAGE FOR MINORS, INCLUDING:

23 (I) SUICIDE;

24 (II) DEATH OR SERIOUS BODILY INJURY FROM ACCIDENTAL
25 DISCHARGE; AND

26 (III) SHOOTING INCIDENTS INVOLVING MINORS; AND

27 (3) INCORPORATE BEST PRACTICES FOR FIREARM AND AMMUNITION
28 SAFE STORAGE.

1 **(D) THE DEPARTMENT SHALL:**

2 **(1) POST THE GUIDE ON ITS WEBSITE; AND**

3 **(2) MAKE AN ELECTRONIC VERSION OF THE GUIDE AVAILABLE TO**
4 **FAMILIES, HEALTH AND SOCIAL SERVICES PROVIDERS, AND ANY OTHER ENTITIES**
5 **THAT HAVE AN INTEREST IN YOUTH SUICIDE PREVENTION OR FIREARMS STORAGE,**
6 **INCLUDING:**

7 **(I) BEHAVIORAL HEALTH PROGRAMS;**

8 **(II) THE DEPARTMENT OF JUVENILE SERVICES;**

9 **(III) FIREARMS DEALERS LICENSED BY THE FEDERAL**
10 **GOVERNMENT;**

11 **(IV) LOCAL HEALTH DEPARTMENTS;**

12 **(V) LOCAL SCHOOL SYSTEMS;**

13 **(VI) THE MARYLAND ASSOCIATION OF NONPUBLIC SPECIAL**
14 **EDUCATION FACILITIES;**

15 **(VII) THE MARYLAND ASSOCIATION OF YOUTH SERVICE**
16 **BUREAUS;**

17 **(VIII) STATE AND LOCAL LAW ENFORCEMENT AGENCIES; AND**

18 **(IX) THE STATE DEPARTMENT OF EDUCATION.**

19 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

20 (a) The Deputy Secretary for Public Health Services shall establish a stakeholder
21 advisory committee to make recommendations regarding the development of the youth
22 suicide prevention and firearm safe storage guide under § 13-39A-01 of the
23 Health – General Article, as enacted by Section 1 of this Act.

24 (b) The stakeholder advisory committee established under subsection (a) of this
25 section shall include:

26 (1) behavioral health practitioners;

27 (2) experts on best practices for firearm and ammunition storage;

- 1 (3) families impacted by the risk of suicide by minors;
- 2 (4) health care professionals; and
- 3 (5) youth advocates.

4 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31,
5 2023, 2024, and 2025, the Deputy Secretary for Public Health Services shall report to the
6 General Assembly, in accordance with § 2-1257 of the State Government Article, on the
7 implementation of this Act, including how State and local agencies have distributed the
8 youth suicide prevention and firearm safe storage guide developed under § 13-39A-01 of
9 the Health – General Article, as enacted by Section 1 of this Act.

10 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2022.