

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1608
Judiciary

(Delegate Bartlett)

Public Safety - Firearms - Storage Requirements

This bill makes several changes to the existing prohibition on access to a loaded firearm by an unsupervised minor under § 4-104 of the Criminal Law Article. The bill also requires an “authorized user” of a firearm to store the firearm in a locked “secure storage depository” when the firearm is not being carried or under the direct control of the authorized user and establishes penalties for violations. The bill alters the following to reflect this new requirement: (1) existing prohibitions relating to possession of a regulated firearm and (2) existing disqualifications for the issuance of a permit to wear, carry, or transport a handgun.

Fiscal Summary

State Effect: General fund expenditures for the Department of State Police (DSP) increase by \$50,000 in FY 2027 only, as discussed below. The bill is not anticipated to materially affect State revenues, as discussed below.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary:

Access to a Firearm (§ 4-104 of the Criminal Law Article): The bill modifies the existing prohibition against access to a firearm by an unsupervised minor by establishing that a

person may not store or leave a *firearm (loaded or unloaded)* in a location where the person knows or should know that *a minor is likely to gain unsupervised access to the firearm*. A violator is subject to existing penalties. In addition, the bill expands the existing exceptions to establish that the prohibitions do not apply if (1) the minor obtains the firearm in an act of lawful self-defense or defense of another person or (2) the firearm was stored in accordance with the bill's provisions requiring an authorized user of a firearm to store the firearm in a locked secure storage depository when the firearm is not being carried or under the direct control of the authorized user.

Under current law, a violation of § 4-104 (1) may not be considered evidence of negligence or contributory negligence and (2) may not be referred to by a party, witness, or lawyer during a civil trial that involves property damage, personal injury, or wrongful death. The bill repeals these provisions.

Firearm Storage: A person who violates the bill's provisions requiring an authorized user of a firearm to store the firearm in a locked secure storage depository when the firearm is not being carried or under the direct control of the authorized user is guilty of a misdemeanor and (1) for a first conviction, subject to a maximum fine of \$500; (2) for a second conviction, subject to a maximum fine of \$1,000; and (3) for a third or subsequent conviction, subject to a maximum fine of \$1,000 and is prohibited from possessing a regulated firearm, a handgun qualification license (HQL), and a permit to wear, carry, or transport a handgun. If the violation results in an unauthorized user accessing the firearm and causing serious bodily injury to or death of a person, the violator is guilty of a misdemeanor and subject to a maximum fine of \$1,000 and is prohibited from possessing a regulated firearm, an HQL, and a permit to wear, carry, or transport a handgun.

The bill's provisions relating to firearm storage may not be interpreted to affect, impair, or supersede any restriction by a local jurisdiction relating to the secure storage of a firearm that imposes additional requirements on the owner or custodian of the firearm.

Regulated Firearm and Handgun Permit Disqualifications: The bill prohibits a person from possessing a regulated firearm and prohibits the Secretary of State Police from issuing a handgun permit to a person who has been convicted (1) three or more times for a violation of the bill's provisions relating to firearm storage and unauthorized use that *does not result* in causing serious bodily injury to or death of a person or (2) one or more times for a violation of the bill's provisions relating to firearm storage and unauthorized use that *results* in causing serious bodily injury to or death of a person.

Definitions: "Authorized user" means an individual who (1) is not prohibited by State or federal law from possessing, receiving, owning, or purchasing a firearm; and (2) is either the lawful owner of the firearm or lawfully authorized by the owner of the firearm to access, possess, and use the firearm.

“Carried by or under the direct control of” means an authorized user is carrying a firearm on the authorized user’s person or is close enough to a firearm to readily prevent an unauthorized user from gaining access to the firearm.

“Secure storage depository” means a safe or another secure container that: (1) when locked, is incapable of being opened without a key, a keypad, a combination, or any other unlocking mechanism; (2) is capable of preventing an unauthorized user from obtaining access to and possession of a firearm contained inside; and (3) is fire-, impact-, and tamper-resistant.

“Unauthorized user” means a person who is not an authorized user.

Current Law:

Access to a Firearm by a Minor

A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised minor has access to the firearm. A violator is guilty of a misdemeanor and subject to a maximum fine of \$1,000.

The prohibition does not apply if:

- the minor’s access to a firearm is supervised by an individual at least 18 years old;
- the minor’s access to a firearm was obtained as a result of an unlawful entry;
- the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- the minor has a certificate of firearm and hunter safety issued under applicable provisions of the Natural Resources Article.

A violation may not (1) be considered evidence of negligence; (2) be considered evidence of contributory negligence; (3) limit liability of a party or an insurer; or (4) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition. A party, witness, or lawyer may not refer to a violation during a trial of a civil action that involves property damage, personal injury, or death.

Prohibition on Possession – Regulated Firearms

A person may not possess a regulated firearm if the person (1) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article (access to a firearm by a minor) or (2) has been convicted on or after October 1, 2023, of a violation of § 4-104 if the violation resulted in the use of a loaded

firearm by a minor causing death or serious bodily injury to the minor or another person. In addition, a person who has been convicted on or after October 1, 2023, of a violation of § 4-104 may not possess a regulated firearm for five years following the date of the conviction.

Handgun Qualification License

An HQL authorizes a person to purchase, rent, or receive a handgun. A licensed firearms manufacturer; a specified active or retired law enforcement officer; a member or retired member of the armed Forces or the National Guard; and a person purchasing, renting, or receiving an antique, curio, or relic firearm (as defined under federal law) are exempt from the requirements of the licensing provisions.

Generally, the Secretary of State Police must issue an HQL to a person who (1) is at least age 21; (2) is a State resident; (3) has completed a firearms safety training course; and (4) is not prohibited by federal or State law from purchasing or possessing a handgun.

Permit to Wear, Carry, or Transport a Handgun

A person must have a handgun permit before the person carries, wears, or transports a handgun in the State. Existing statutory requirements and background relating to the issuance of handgun permits are summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background**.

State Revenues: General fund revenues may (1) increase due to additional fines imposed in District Court criminal cases and (2) decrease annually beginning in fiscal 2027 to the extent DSP no longer collects fees for applications for HQLs and handgun permits from individuals disqualified under the bill. Regardless, these factors are not expected to materially affect State revenues.

State Expenditures: General fund expenditures for DSP increase by \$50,000 in fiscal 2027 only for one-time information technology costs for DSP to update its online application portal to reflect additional disqualifiers for an HQL and a handgun permit under the bill.

Additional Comments: According to the Judiciary, there were 51 filings (charges) and one conviction in the District Court and 39 filings (charges) and two convictions in the circuit courts for violations of § 4-104 of the Criminal Law Article during fiscal 2025.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Cecil and Frederick counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

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jg/aad

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Appendix – Handgun Permit Requirements – Current Law/Background

Generally, with certain exceptions, to be issued a handgun permit by the Secretary of State Police, an applicant (1) must be at least age 21 or a member of the uniformed services or the National Guard; (2) must not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted, must have been pardoned or been granted relief under federal law; (3) must not have been convicted of a controlled dangerous substance violation and must not presently be an addict, a habitual user of a controlled dangerous substance, or an alcoholic; (4) must not be on supervised probation for conviction of a crime punishable by imprisonment for one year or more, a violation of § 21-902(b) or (c) of the Transportation Article (driving while under the influence or driving while impaired), or violating a protective order under § 4-509 of the Family Law Article (failure to comply with interim or final protective order); (5) must not suffer from a mental disorder and have a history of violent behavior against the person or another; (6) must not have been involuntarily admitted for more than 30 consecutive days to a facility that provides treatment or other services for mental disorders; (7) must not be a respondent against whom a current non *ex parte* civil protective order has been entered under § 4-506 of the Family Law Article, a current extreme risk protective order has been entered under § 5-601 of the Public Safety Article, or any other type of current court order has been entered prohibiting the person from purchasing or possessing firearms; (8) must not exhibit a propensity for violence or instability, which may reasonably render possession of a handgun a danger to the applicant or another; (9) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (10) if younger than 30, must not have been committed to a facility for juveniles for longer than one year or adjudicated delinquent for a crime of violence, a felony, or misdemeanor that carries a statutory penalty of more than two years; and (11) must not otherwise be prohibited by State or federal law from possessing a handgun.

The Secretary may not issue a handgun permit to a person who has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article (child access to firearms) or has been convicted on or after October 1, 2023, of a violation of that provision if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person. The Secretary also may not issue a handgun permit to a person who has been convicted on or after October 1, 2023, of a violation of § 4-104 of the Criminal Law Article for five years following the date of the conviction.

A handgun permit applicant must successfully complete, prior to the application and each renewal, a firearms training course approved by the Secretary that includes (1) for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor, or 8 hours of instruction for a renewal application; (2) classroom instruction on State and federal firearm laws, home firearm safety, handgun mechanisms and operations, conflict de-escalation and resolution, anger management, and suicide prevention; and (3) a firearm qualification component that includes live-fire shooting exercise on a firing range and requires the applicant to demonstrate safe handling of a handgun and shooting proficiency with a handgun.

An applicant for a permit is not required to complete a certified firearms training course if the applicant:

- is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;
- is a member, retired member, or honorably discharged member of the armed forces or the National Guard;
- is a qualified handgun instructor; or
- has completed a firearms training course approved by the Secretary.

A handgun permit application costs \$125; two years after the initial permit and every three years thereafter, a \$75 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for an initial application. A person who applies for a renewal of a handgun permit is not required to be fingerprinted unless the Secretary requires a set of the person's fingerprints to resolve a question of the person's identity.

Generally, a handgun permit expires on the last day of the holder's birth month following two years after the date the permit is issued; however, the Secretary may establish an alternative expiration date for a permit to coincide with the expiration of a private detective license, a security guard certification, or a special police officer commission. A permit may be renewed for successive periods of three years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee.

In 2025, the Department of State Police (DSP) received 37,786 new applications for handgun permits and 78,554 handgun permit renewal applications. DSP denied 1,693 applications in the same year. As of January 2026, there are approximately 198,164 active handgun permits in the State. It generally takes less than two days to receive

the results of a national criminal history records check from the Federal Bureau of Investigation and approximately seven days to process and issue a permit.