

HOUSE BILL 364

E4
HB 1206/22 – JUD

3lr1443

By: **Delegate Grammer**

Introduced and read first time: January 26, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permit Requirement – Repeal**
3 **(Maryland’s Constitutional Carry Act of 2023)**

4 FOR the purpose of repealing the requirement that a person have a certain permit before
5 the person carries, wears, or transports a handgun; repealing certain criminal
6 prohibitions against a person who is at least a certain age wearing, carrying, or
7 transporting a handgun; and generally relating to wearing, carrying, or transporting
8 a handgun.

9 BY repealing

10 Article – Public Safety
11 Section 5–301 through 5–314 and the subtitle “Subtitle 3. Handgun Permits”
12 Annotated Code of Maryland
13 (2022 Replacement Volume)

14 BY repealing and reenacting, with amendments,

15 Article – Criminal Law
16 Section 4–101(b) and 4–203(a) and (b)
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2022 Supplement)

19 BY adding to

20 Article – Criminal Law
21 Section 4–207
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2022 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Natural Resources
26 Section 10–410(c)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–301 through 5–314 and the subtitle “Subtitle 3. Handgun Permits” of Article – Public Safety of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Law

4–101.

(b) This section does not prohibit the following individuals from carrying a weapon:

(1) an officer of the State, or of any county or municipal corporation of the State, who is entitled or required to carry the weapon as part of the officer’s official equipment, or by any conservator of the peace, who is entitled or required to carry the weapon as part of the conservator’s official equipment, or by any officer or conservator of the peace of another state who is temporarily in this State;

(2) a special agent of a railroad; **OR**

(3) [a holder of a permit to carry a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; or

(4)] an individual who carries the weapon as a reasonable precaution against apprehended danger, subject to the right of the court in an action arising under this section to judge the reasonableness of the carrying of the weapon, and the proper occasion for carrying it, under the evidence in the case.

4–203.

(a) (1) Except as provided in subsection (b) of this section[, a person may not]:

(i) **A PERSON UNDER THE AGE OF 21 YEARS MAY NOT** wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) **A PERSON UNDER THE AGE OF 21 YEARS MAY NOT** wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

1 (iii) [violate item (i) or (ii) of this paragraph] **A PERSON MAY NOT**
2 **WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR**
3 **ABOUT THE PERSON** while on public school property in the State;

4 (iv) [violate item (i) or (ii) of this paragraph] **A PERSON MAY NOT**
5 **WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR**
6 **ABOUT THE PERSON** with the deliberate purpose of injuring or killing another person; [or]
7 **AND**

8 (v) [violate item (i) or (ii) of this paragraph] **A PERSON UNDER THE**
9 **AGE OF 21 YEARS MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER**
10 **CONCEALED OR OPEN, ON OR ABOUT THE PERSON,** with [a] **THE** handgun loaded with
11 ammunition.

12 (2) There is a rebuttable presumption that a person who transports a
13 handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

14 (b) This section does not prohibit:

15 (1) the wearing, carrying, or transporting of a handgun by a person who is
16 authorized at the time and under the circumstances to wear, carry, or transport the
17 handgun as part of the person's official equipment, and is:

18 (i) a law enforcement official of the United States, the State, or a
19 county or city of the State;

20 (ii) a member of the armed forces of the United States or of the
21 National Guard on duty or traveling to or from duty;

22 (iii) a law enforcement official of another state or subdivision of
23 another state temporarily in this State on official business;

24 (iv) a correctional officer or warden of a correctional facility in the
25 State;

26 (v) a sheriff or full-time assistant or deputy sheriff of the State; or

27 (vi) a temporary or part-time sheriff's deputy;

28 [(2) the wearing, carrying, or transporting of a handgun, in compliance with
29 any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a
30 permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3
31 of the Public Safety Article;

32 (3) the carrying of a handgun on the person or in a vehicle while the person
33 is transporting the handgun to or from the place of legal purchase or sale, or to or from a

1 bona fide repair shop, or between bona fide residences of the person, or between the bona
2 fide residence and place of business of the person, if the business is operated and owned
3 substantially by the person if each handgun is unloaded and carried in an enclosed case or
4 an enclosed holster;]

5 ~~[(4)]~~ **(2)** the wearing, carrying, or transporting by a person of a handgun
6 used in connection with an organized military activity, a target shoot, formal or informal
7 target practice, sport shooting event, hunting, a Department of Natural
8 Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience
9 training class or show, while the person is engaged in, on the way to, or returning from that
10 activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;
11 **OR**

12 ~~[(5)]~~ the moving by a bona fide gun collector of part or all of the collector’s
13 gun collection from place to place for public or private exhibition if each handgun is
14 unloaded and carried in an enclosed case or an enclosed holster;

15 (6) the wearing, carrying, or transporting of a handgun by a person on real
16 estate that the person owns or leases or where the person resides or within the confines of
17 a business establishment that the person owns or leases;

18 (7) the wearing, carrying, or transporting of a handgun by a supervisory
19 employee:

20 (i) in the course of employment;

21 (ii) within the confines of the business establishment in which the
22 supervisory employee is employed; and

23 (iii) when so authorized by the owner or manager of the business
24 establishment;]

25 ~~[(8)]~~ **(3)** the carrying or transporting of a signal pistol or other visual
26 distress signal approved by the United States Coast Guard in a vessel on the waterways of
27 the State or, if the signal pistol or other visual distress signal is unloaded and carried in an
28 enclosed case, in a vehicle[; or

29 (9) the wearing, carrying, or transporting of a handgun by a person who is
30 carrying a court order requiring the surrender of the handgun, if:

31 (i) the handgun is unloaded;

32 (ii) the person has notified the law enforcement unit, barracks, or
33 station that the handgun is being transported in accordance with the court order; and

1 (iii) the person transports the handgun directly to the law
2 enforcement unit, barracks, or station].

3 **4-207.**

4 (A) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN WHILE
5 THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

6 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
7 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
8 FINE NOT EXCEEDING \$1,000 OR BOTH.

9 **Article – Natural Resources**

10 10-410.

11 (c) (1) A person may not shoot at any species of wildlife from an automobile or
12 other vehicle or, except as provided in § 4-203(b) of the Criminal Law Article [and Title 5,
13 Subtitle 3 of the Public Safety Article], possess in or on an automobile or other vehicle a
14 loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or
15 chamber.

16 (2) If this subsection is violated by an occupant of a vehicle which has 2 or
17 more occupants and it cannot be determined which occupant is the violator, the owner of
18 the vehicle, if present, shall be presumed to be responsible for the violation. In the absence
19 of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible
20 for the violation.

21 (3) Provisions of this subsection do not apply to a disabled person who
22 obtains a special permit under § 10-307 of this title.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2023.