
By: Delegates Kach, Klima, Harkins, and Vallario

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Wearing, Carrying, Transporting - Exception to Prohibition -Private**
3 **Investigator Licensed in Contiguous State**

4 FOR the purpose of providing that a person who is licensed as a privateinvestigator in a
5 contiguous state and authorized to carry a handgun in the contiguousstate may
6 wear, carry, or transport the handgun while traveling between a residence of the
7 person in this State and investigative work of the person in the contiguous state.

8 BY repealing and reenacting, without amendments,
9 Article 27 - Crimes and Punishments
10 Section 36B(b)
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1995 Supplement)

13 BY adding to
14 Article 27 - Crimes and Punishments
15 Section 36B(c)(6)
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1995 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 36B.

22 (b) Any person who shall wear, carry, or transport any handgun, whether
23 concealed or open, upon or about his person, and any person who shall wear, carry or
24 knowingly transport any handgun, whether concealed or open, in any vehicle traveling
25 upon the public roads, highways, waterways, or airways or upon roads orparking lots
26 generally used by the public in this State shall be guilty of a misdemeanor; and it shall be
27 a rebuttable presumption that the person is knowingly transporting the handgun; and on
28 conviction of the misdemeanor shall be fined or imprisoned as follows:

29 (i) If the person has not previously been convicted of unlawfully wearing,
30 carrying or transporting a handgun in violation of this section, or of unlawfully using a

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1 handgun in the commission of a crime in violation of subsection (d) of this section, or of
2 unlawfully carrying a concealed weapon in violation of § 36 of this article, or of unlawfully
3 carrying a deadly weapon on public school property in violation of § 36A of this article, he
4 shall be fined not less than two hundred and fifty (\$250.00) dollars, nor more than
5 twenty-five hundred (\$2,500.00) dollars, or be imprisoned in jail or sentenced to the
6 Maryland Division of Correction for a term of not less than 30 days nor more than three
7 years, or both; provided, however, that if it shall appear from the evidence that the
8 handgun was worn, carried, or transported on any public school property in this State, the
9 court shall impose a sentence of imprisonment of not less than 90 days.

10 (ii) If the person has previously been once convicted of unlawfully wearing,
11 carrying, or transporting a handgun in violation of this section, or of unlawfully using a
12 handgun in the commission of a crime in violation of subsection (d) of this section, or of
13 unlawfully carrying a concealed weapon in violation of § 36 of this article, or of unlawfully
14 carrying a deadly weapon on public school property in violation of § 36A of this article, he
15 shall be sentenced to the Maryland Division of Correction for a term of not less than 1
16 year nor more than 10 years, and it is mandatory upon the court to impose no less than
17 the minimum sentence of 1 year; provided, however, that if it shall appear from the
18 evidence that the handgun was worn, carried, or transported on any public school
19 property in this State, the court shall impose a sentence of imprisonment of not less than
20 three years.

21 (iii) If the person has previously been convicted more than once of
22 unlawfully wearing, carrying, or transporting a handgun in violation of this section, or of
23 unlawfully using a handgun in the commission of a crime in violation of subsection (d) of
24 this section, or of unlawfully carrying a concealed weapon in violation of § 36 of this
25 article, or of unlawfully carrying a deadly weapon on public school property in violation of
26 § 36A of this article, or any combination thereof, he shall be sentenced to the Maryland
27 Division of Correction for a term of not less than three years nor more than 10 years, and
28 it is mandatory upon the court to impose no less than the minimum sentence of three
29 years; provided, however, that if it shall appear from the evidence that the handgun was
30 worn, carried, or transported on any public school property in this State, the court shall
31 impose a sentence of imprisonment of not less than 5 years.

32 (iv) If it shall appear from the evidence that any handgun referred to in this
33 subsection was carried, worn, or transported with the deliberate purpose of injuring or
34 killing another person, the court shall impose a sentence of imprisonment of not less than
35 5 years.

36 (c) (6) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT A
37 PERSON WHO IS LICENSED AS A PRIVATE INVESTIGATOR IN A STATE THAT IS
38 CONTIGUOUS TO THIS STATE AND AUTHORIZED TO CARRY A HANDGUN IN THE
39 CONTIGUOUS STATE FROM WEARING, CARRYING, OR TRANSPORTING THE
40 HANDGUN WHILE TRAVELING BETWEEN A RESIDENCE OF THE PERSON IN THIS
41 STATE AND INVESTIGATIVE WORK OF THE PERSON IN THE CONTIGUOUS STATE.

42 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
43 October 1, 1996.