

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 739
Judiciary

(Allegany County Delegation)

Bow Hunting - Possession of Handguns for Protection

This bill prohibits the Department of Natural Resources (DNR) from preventing a licensed bow hunter from openly carrying a “handgun” that the hunter is otherwise authorized to carry if the bow hunter (1) is at least 21 years old; (2) is hunting in deer management Region A; (3) is carrying the handgun for personal protection; and (4) does not use the handgun to kill wildlife wounded by a vertical bow or crossbow. A “handgun” is a firearm that has a barrel length not exceeding six inches and does not have a scope or an electronic device attached.

Fiscal Summary

State Effect: None. The bill’s changes can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Hunting Regulations

DNR regulates hunting in the State. Among other things, DNR must (1) prescribe by regulation the means or weapons for hunting designated wildlife; and (2) set forth any restrictions relating to weapons used to hunt designated wildlife, including the amount and size of ammunition for designated game birds or mammals. DNR is not authorized

to restrict the use of firearms except in the activity of hunting designated wildlife. While current regulations allow the use of handguns for hunting certain types of wildlife during specified hunting seasons, firearms may not be carried while hunting deer during the bow season.

Under current regulations, Maryland has two deer management regions. Region A includes Allegany and Garrett counties and the western portion of Washington County. Region B includes Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Washington (eastern portion), Wicomico, and Worcester counties.

Possession of a Firearm

The Maryland State Police regulate firearms under provisions of the Public Safety Article. A regulated firearm is any handgun or any of the 45 assault weapons (or copies) identified in that article. Among other restrictions, a person may not possess a regulated firearm in the State if the person was convicted of a crime of violence or a violation of specified controlled dangerous substances offenses. "Handgun" means a pistol, revolver, or other firearm capable of being concealed on the person. "Handgun" includes a short-barreled shotgun and a short-barreled rifle; "handgun" does not include a shotgun, rifle, or antique firearm.

To be issued a permit to carry a handgun by the Secretary of State Police, an applicant (1) must be 18 or older; (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) if the person is 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; (4) 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; (5) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to the applicant or another; and (6) must have a good and substantial reason to wear, carry, or transport a handgun. "Good and substantial reason" includes a finding that the permit is necessary as a reasonable precaution against apprehended danger. There are about 14,000 active handgun permits in Maryland.

In accordance with the Criminal Law Article, with some exceptions, a person may not wear, carry, or transport a handgun, whether concealed or not. Specified law enforcement officials; members of the U.S. armed forces; correctional officers or wardens, sheriffs, and other specified individuals are exempt from that prohibition. Also

exempt is a person wearing, carrying, or transporting a handgun (1) used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a DNR-sponsored firearm and hunter safety class, trapping, or a dog obedience training class or show under specified conditions; or (2) on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases.

Background: The black bear is the largest terrestrial mammal native to Maryland. Currently, Maryland has a resident black bear population in the four westernmost counties (Garrett, Allegany, Washington, and Frederick), with the highest bear densities in Garrett and western Allegany counties.

Some individuals have voiced concern about the threat of bear attacks on bow hunters in western Maryland. Bow hunters have encountered bears in this region. Some bow hunters would like to openly carry handguns for self protection purposes while bow hunting. Currently, DNR regulations prohibit individuals from carrying firearms while hunting deer during the bow season.

Additional Information

Prior Introductions: None.

Cross File: SB 588 (Senator Edwards) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources, Department of State Police, Department of Legislative Services

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