

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
House Economic Matters Committee

FROM: Legislative Committee
Suzanne Pelz, Esq.
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RE: House Bill 430
Firearms – Liability Insurance – Public Wearing and Carrying

DATE: January 24, 2024
(2/28)

POSITION: Oppose

The Maryland Judiciary opposes House Bill 430. House Bill 430 adds proposed subtitle 9, entitled “Liability Insurance for Public Wearing and Carrying of Firearms,” to title 5 of the Public Safety Article (“PS”), to be codified at proposed PS §§ 5-901 to 5-903.

The Judiciary opposes this bill for several reasons. First, it is not clear if the bill’s liability insurance requirement applies to bailiffs. The Judiciary is self-insured as a branch of government. In addition, the requirement to schedule a trial within 30 days after the citation was issued on page 7, lines 11 through 13 is concerning as the court does not control when an officer turns in a citation. The triggering event for scheduling a trial should be the date of receipt of the citation, and the time frame should be lengthened by 15 days, from 30 to 45 days. Further, the bill exempts federal law enforcement officers, but there is no exemption for local or State law enforcement officers (page 5, lines 22-24) and does not define or specify the meaning of “law enforcement officer.” The bill also poses due process and constitutional concerns: (1) by shifting the burden on the defendant to submit proof that he or she has obtained, and is currently covered by, the requisite liability insurance (page 6, lines 1 through 7); and (2) by authorizing as a penalty for a violation of the bill’s liability insurance requirement the loss of the defendant’s right to possess a regulated firearm (page 6, lines 21 through 23). Finally, the language in the bill requires the court to find a defendant not guilty if the defendant submits proof of liability insurance coverage (page 6, lines 1 through 7) which interferes with judicial discretion.

cc. Hon. Terri Hill
Judicial Council
Legislative Committee
Kelley O’Connor