

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Natural Resources  
(DLS Control No. 15-082)**

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**Overview and Legal and Fiscal Impact**

This regulation incorporates the provisions of Chapter 476 of 2014, which prohibits the Department of Natural Resources from prohibiting a licensed bow hunter from openly carrying a handgun that the hunter is otherwise legally authorized to carry under specified circumstances.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Department of Natural Resources:**

Wildlife: Forest Wildlife: COMAR 08.03.04.05

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**Legal Analysis**

**Background**

During the 2014 legislative session, in response to individuals who voiced concern about the threat of bear attacks on bow hunters in western Maryland, the General Assembly enacted Chapter 476 of 2014. Chapter 476 allows bow hunters to openly carry handguns for self-protection purposes while bow hunting. Specifically, under the Act, the department may not prohibit a licensed bow hunter from openly carrying a handgun that the hunter is otherwise authorized to carry under § 4-203 of the Criminal Law Article 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. Chapter 476 also defined a handgun as a firearm with a barrel length not exceeding 6 inches that does not have a scope or electronic device attached.

**Summary of Regulation**

The department proposes to amend Regulation .05 under COMAR 08.03.04 Forest Wildlife to make it consistent with the provisions of Chapter 476. The regulation allows a bow hunter who is at least 21 years of age to carry a handgun for personal protection while hunting deer in Deer Management Region A during the deer bow hunting season. Additionally, the handgun must (1) have a barrel length not exceeding 6 inches; (2) not have a telescopic sight or electronic aiming device attached; and (3) not be used to kill wildlife wounded by a vertical bow or crossbow.

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## **Legal Issue**

The regulation presents no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The department cites § 10-408 of the Natural Resources Article as authority for the regulation. Generally, § 10-408(b)(1) requires the department to “prescribe by regulation the means or weapons for hunting designated wildlife” and “set forth any restrictions related to weapons used to hunt designated wildlife.” Additionally, § 10-408(a) and (b)(2) contain the provisions of Chapter 476, as previously described.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs and notes that the regulation implements Chapter 476 of 2014 (Senate Bill 231). The fiscal and policy note for Senate Bill 231 indicates that the bill’s changes can be handled with existing budgeted resources. The regulation has no independent fiscal impact.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs. The fiscal and policy note for Senate Bill 231 notes that the bill has no impact on small businesses.

## **Contact Information**

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