

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

House Bill 379 (Delegate Vallario)  
(Committee to Revise Article 27 – Crimes and Punishments)

Judiciary

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**Public Safety - Wearing or Carrying a Dangerous Weapon - Exceptions**

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This bill establishes a limit of five inches on the length of a penknife that is excluded from the definition of “weapon” under provisions prohibiting wearing or carrying a dangerous weapon. The bill also provides that, subject to the right of the court to make a judgment based on reasonableness, the prohibition against wearing or carrying a dangerous weapon does not prohibit the carrying of the weapon for purposes of recreation, employment, historical reenactment, or a reasonable precaution against apprehended danger.

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**Fiscal Summary**

**State Effect:** The bill should not have a measurable operational or financial impact on State government.

**Local Effect:** The bill should not have a measurable operational or financial impact on units of local government.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not wear or carry a dangerous weapon of any kind concealed on or about the person. A person may not wear or carry a dangerous weapon, chemical mace, pepper mace, or a tear gas device openly with the intent or purpose of injuring an individual in an unlawful manner. In 12 counties (Anne Arundel, Baltimore,

Caroline, Cecil, Harford, Kent, Montgomery, Prince George's, St. Mary's, Talbot, Washington, and Worcester), a minor may not carry a dangerous weapon between one hour after sunset and one hour before sunrise, whether concealed or not, except while: (1) on a bona fide hunting trip; or (2) engaged in or on the way to or returning from a bona fide trap shoot, sport shooting event, or any organized civic or military activity.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$1,000. Except for the violations applicable to a minor in specified jurisdictions, if it appears from the evidence that the weapon was carried, concealed or openly, with the deliberate purpose of injuring or killing another, the court must impose the highest sentence of imprisonment prescribed.

The term "weapon" includes a dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, and nunchaku. The term "star knife" means a device used as a throwing weapon, consisting of several sharp or pointed blades arrayed as radially disposed arms about a central disk. The term "penknife" is not specifically defined.

**Background:** The Committee to Revise Article 27 was appointed in 1991 by the Speaker and the President and charged with making both substantive and stylistic changes to the State's criminal law. The committee is composed of legislators, judges, lawyers representing both defendants and the State, and a victims' rights representative. In past sessions the committee has successfully sponsored legislation to revise the laws on accessory before and after the fact, arson, assault, benefit of clergy, burglary, criminal penalty enhancements, destructive devices, disorderly conduct, escape, leased or rented goods, Medicaid fraud, offensive contact, prostitution, robbery, sabotage, trespass, and victims' rights.

This bill has been introduced to address a committee concern that there is no blade length under the current law definitions or exceptions. A penknife is generally considered to be a knife which has a blade that folds into its handle. The committee believes that, under this conceptualization, even a knife of typical machete length could be considered as a penknife, so long as it had such a blade/handle feature.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 299 (Senators Stone and Giannetti) (Committee to Revise Article 27 – Crimes and Punishments) – Judicial Proceedings.

**Information Source(s):** Judiciary (District Court), Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2006  
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