

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 968  
Judiciary

(Delegate Vitale, *et al.*)

---

District Court Commissioners - Possession of Handguns on District Court  
Premises

---

This bill prohibits any restriction against a commissioner carrying a handgun on District Court premises if the commissioner has a valid handgun permit.

---

Fiscal Summary

**State Effect:** The Judiciary can implement the bill's provisions using existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

---

Analysis

**Current Law/Background:** There are no provisions in statute specifically prohibiting a commissioner with a valid permit from carrying a handgun on District Court premises.

Administrative regulations of the District Court prohibit individuals from carrying a handgun on any portion of District Court premises. Exceptions are specified for individuals carrying a handgun or firearm in connection with the performance of their official duties, such as local, State, and federal law enforcement officers. There is no exception provided for commissioners.

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.

**State Fiscal Effect:** The Judiciary estimated a significant fiscal and operational impact due to the need to purchase lockers to store the handguns while the commissioners are on duty and to implement other security measures. However, the Department of Legislative Services disagrees with this assessment. The bill prohibits any restriction against a commissioner with a valid handgun permit carrying a handgun on District Court premises. The bill creates no exception that authorizes the Judiciary to restrict commissioners with a valid permit from carrying handguns on his or her person during the course of duty. As a result, the Judiciary is not required to incur expenditures for gun storage lockers. Any changes in procedures necessary to implement the provisions of this bill can be accomplished with existing resources.

Although some District Court commissioners are physically located on District Court premises, others are located in detention centers (such as the Central Booking Intake Facility in Baltimore City). Because the bill only restricts prohibitions against commissioners carrying handguns on District Court premises, the bill would not be applicable to commissioners working in other facilities.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2012  
mlm/kdm

---

Analysis by: Jennifer K. Botts

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510