HOUSE BILL 1206

By: Delegate Grammer
Introduced and read first time: February 11, 2022
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Public Safety – Handgun Permit Requirement – Repeal
(Maryland’s Constitutional Carry Act of 2022)

FOR the purpose of repealing the requirement that a person have a certain permit before the person carries, wears, or transports a handgun; repealing certain criminal prohibitions against a person who is at least a certain age wearing, carrying, or transporting a handgun; and generally relating to wearing, carrying, or transporting a handgun.

BY repealing
Article – Public Safety
Section 5–301 through 5–314 and the subtitle “Subtitle 3. Handgun Permits”
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–101(b) and 4–203(a) and (b)
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

BY adding to
Article – Criminal Law
Section 4–207
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(c)
Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
HOUSE BILL 1206

(2012 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–301 through 5–314 and the subtitle “Subtitle 3. Handgun Permits” of Article – Public Safety of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Law

4–101.

(b) This section does not prohibit the following individuals from carrying a weapon:

(1) an officer of the State, or of any county or municipal corporation of the State, who is entitled or required to carry the weapon as part of the officer’s official equipment, or by any conservator of the peace, who is entitled or required to carry the weapon as part of the conservator’s official equipment, or by any officer or conservator of the peace of another state who is temporarily in this State;

(2) a special agent of a railroad; OR

(3) a holder of a permit to carry a handgun issued under Title 5, Subtitle 3 of the Public Safety Article; or

(4) an individual who carries the weapon as a reasonable precaution against apprehended danger, subject to the right of the court in an action arising under this section to judge the reasonableness of the carrying of the weapon, and the proper occasion for carrying it, under the evidence in the case.

4–203.

(a) (1) Except as provided in subsection (b) of this section[, a person may not]:

(i) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) A PERSON UNDER THE AGE OF 21 YEARS MAY NOT wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;
(iii) [violate item (i) or (ii) of this paragraph] A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON while on public school property in the State;

(iv) [violate item (i) or (ii) of this paragraph] A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON with the deliberate purpose of injuring or killing another person; [or]

AND

(v) [violate item (i) or (ii) of this paragraph] A PERSON UNDER THE AGE OF 21 YEARS MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON, with a THE handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

   (i) a law enforcement official of the United States, the State, or a county or city of the State;

   (ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

   (iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

   (iv) a correctional officer or warden of a correctional facility in the State;

   (v) a sheriff or full-time assistant or deputy sheriff of the State; or

   (vi) a temporary or part-time sheriff's deputy;

[(2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5–307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a
bona fide repair shop, or between bona fide residences of the person, or between the bona
fide residence and place of business of the person, if the business is operated and owned
substantially by the person if each handgun is unloaded and carried in an enclosed case or
an enclosed holster;]

[(4) (2) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal
target practice, sport shooting event, hunting, a Department of Natural
Resources–sponsored firearms and hunter safety class, trapping, or a dog obedience
training class or show, while the person is engaged in, on the way to, or returning from that
activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

[OR

[(5) the moving by a bona fide gun collector of part or all of the collector’s
gun collection from place to place for public or private exhibition if each handgun is
unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person 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;

(7) the wearing, carrying, or transporting of a handgun by a supervisory
employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the
supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business
establishment;]

[(8) (3) the carrying or transporting of a signal pistol or other visual
distress signal approved by the United States Coast Guard in a vessel on the waterways of
the State or, if the signal pistol or other visual distress signal is unloaded and carried in an
enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is
carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or
station that the handgun is being transported in accordance with the court order; and
(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

4–207.

(A) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN WHILE THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000 OR BOTH.

Article – Natural Resources

10–410.

(c) (1) A person may not shoot at any species of wildlife from an automobile or other vehicle or, except as provided in § 4–203(b) of the Criminal Law Article [and Title 5, Subtitle 3 of the Public Safety Article], possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or chamber.

(2) If this subsection is violated by an occupant of a vehicle which has 2 or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be presumed to be responsible for the violation. In the absence of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible for the violation.

(3) Provisions of this subsection do not apply to a disabled person who obtains a special permit under § 10–307 of this title.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.