

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 353
Judiciary

(Delegate Grammer, *et al.*)

Public Safety - Handgun Permit Requirement - Repeal (Maryland's
Constitutional Carry Act of 2025)

This bill repeals (1) the requirement for a person to have a permit to wear, carry, or transport a handgun in order for the person to wear, carry, or transport a handgun; (2) corresponding requirements and procedures related to the issuance of a handgun permit; and (3) criminal penalties for violations relating to the failure to follow requirements and procedures relating to a handgun permit. The bill also repeals the application of specified handgun-related criminal prohibitions and establishes additional prohibitions.

Fiscal Summary

State Effect: General fund revenues decrease significantly (likely in excess of \$6.0 million in FY 2026 and \$9.0 million annually thereafter) due to the termination of handgun permit applications, permit renewals, and associated fees. General fund expenditures for the Department of State Police (DSP) decrease for licensing-related functions. General fund revenues and expenditures decrease minimally due to the bill's changes to penalty provisions.

Local Effect: Minimal decrease in local revenues and expenditures due to the bill's changes to penalty provisions.

Small Business Effect: Meaningful.

Analysis

Bill Summary: A person younger than age 21 is prohibited from:

- wearing, carrying, or transporting a handgun, whether concealed or open, on or about the person;
- wearing, carrying, or knowingly transporting 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; and
- wearing, carrying, or transporting a handgun whether concealed or open, on or about the person with the handgun loaded with ammunition.

The bill repeals the application of specified existing criminal prohibitions and penalties relating to wearing, carrying, or transporting a handgun against a person who is at least age 21. The bill prohibits a person (of any age) from wearing, carrying, or transporting a handgun, whether concealed or open, on or about the person (1) while on public school property in the State or (2) with deliberate purpose of injuring or killing another person.

Current Law:

Handgun Permit

A person must have a handgun permit before the person carries, wears, or transports a handgun in the State. Existing statutory requirements and background relating to the issuance of handgun permits are summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background**.

Prohibitions

With specified exceptions, including possession of a handgun permit, a person may not (1) wear, carry, or transport a handgun, whether concealed or open, on or about the person; (2) 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; (3) violate items (1) or (2) listed above while on public school property in the State; (4) violate items (1) or (2) listed above with the deliberate purpose of injuring or killing another person; or (5) violate items (1) or (2) listed above with a handgun loaded with ammunition. There is a rebuttable presumption that a person who transports a handgun does so knowingly. A violator is guilty of a misdemeanor and subject to the penalties listed below. The subsequent offender provisions apply to previous convictions under § 4-203 (wearing, carrying, or transporting a handgun), § 4-204 (use of handgun or antique firearm in commission of crime), § 4-101 (dangerous weapons), and § 4-102 (deadly weapons on school property) of the Criminal Law Article, as shown in **Exhibit 1**.

Exhibit 1
Penalties for Specified Handgun Violations

First-time Offender – No prior convictions under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article	In General – Imprisonment for at least 30 days and up to 5 years and/or fine of \$250 to \$2,500. Offense on Public School Property – Imprisonment for at least 90 days.
Subsequent Offender – One prior conviction under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article	In General – Imprisonment for at least 1 year and up to 10 years. Offense on Public School Property – Imprisonment for at least 3 years and up to 10 years. Court may not impose less than the applicable minimum sentence. Offense with handgun loaded with ammunition – With required notice, court may not suspend any part of or impose less than the applicable mandatory minimum sentence. Person is not eligible for parole during mandatory minimum sentence.*
Subsequent Offender – More than one prior conviction under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article	In General – Imprisonment for at least 3 years and up to 10 years. Offense on Public School Property – Imprisonment for at least 5 years and up to 10 years. Offense with Deliberate Purpose of Injuring or Killing Another Person – Imprisonment for at least 5 years and up to 10 years. Court may not impose less than the applicable minimum sentence. Offense with handgun loaded with ammunition – With required notice, court may not suspend any part of or impose less than the applicable mandatory minimum sentence. Person is not eligible for parole during mandatory minimum sentence.*

* Contains exception for § 4-305 of the Correctional Services Article (parole for an inmate at the Patuxent Institution).

Source: Department of Legislative Services

A person who holds a handgun permit may not wear, carry, or transport a handgun while the person is under the influence of alcohol or drugs. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000. (The bill retains this crime and the associated penalty but removes reference to a handgun permit.)

State Revenues: General fund revenues decrease beginning in fiscal 2026 from foregone handgun permit application fees, as discussed below. General fund revenues decrease minimally as a result of the bill’s alteration of the application of existing monetary penalties from cases heard in the District Court.

In 2024, DSP received 40,944 initial handgun permit applications and 28,735 renewal applications; in 2023, 64,724 initial applications and 13,682 renewals; and in 2022, 85,266 initial applications and 8,891 renewals.

Since being directed in 2022 to immediately stop using the “good and substantial reason” requirement when reviewing handgun permits in the State, DSP has received a record number of initial handgun permit applications; however, DSP advises that it is unable to reliably estimate future demand for permits and renewals of permits. Permits are renewed every two years.

For illustrative purposes only, if DSP receives approximately 64,000 initial applications and 17,000 renewals each year (which reflects an average of the number of initial applications and renewals over the past three years, including the initial significant surge in 2022), general fund revenues decrease by an estimated \$6.9 million in fiscal 2026, which accounts for the bill’s October 1, 2025 effective date, and by \$9.2 million annually thereafter. This illustration, which is based on the current fees of \$125 for an initial application and \$75 for a renewal application, does not account for any possible reduction in fees (for a permit that is granted for one day only and at one place only) or exemptions from the fee requirements.

As handgun permit applications currently remain at record numbers, it is not expected that the bill itself will generate an increase in handgun purchases. Thus, this analysis does not address any potential increase in revenues from firearm application fees or handgun qualification licenses.

State Expenditures:

Department of State Police

The fiscal 2026 budget as introduced includes \$27.3 million in general funds for DSP’s licensing division. This analysis assumes that DSP retains personnel currently

assigned to processing handgun permits and reassigns these employees to assist with other duties within the department. General fund expenditures decrease to the extent the bill eliminates the need for overtime and contractual personnel currently affiliated with permitting functions. DSP did not provide information on overtime costs and contractual personnel currently affiliated with the licensing division.

Other State Agencies

The Administrative Office of the Courts (AOC) reports that it does not have age-based defendant data for violations affected by the bill. As a result, the exact impact that the bill has on court caseloads is unknown. However, AOC does not anticipate a significant fiscal or operational impact on the trial courts under the bill.

The bill likely results in a decrease in caseloads for the Office of the Public Defender (OPD); however, any such decrease cannot be reliably determined at this time. This analysis assumes that any resources dedicated to cases eliminated under the bill will be retained and redirected to other OPD cases.

Department of Public Safety and Correctional Services

General fund expenditures decrease minimally as a result of the bill's alteration of the application of existing incarceration penalties due to fewer people being committed to State correctional facilities.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per incarcerated individual, including overhead, is estimated at \$5,339 per month. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. The State provides assistance to the counties for locally sentenced incarcerated individuals and for (1) incarcerated individuals who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced incarcerated individuals confined in a local detention center between 12 and 18 months; and (3) incarcerated individuals who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues decrease minimally from monetary penalties imposed in cases heard in the circuit courts.

Local Expenditures: Local incarceration expenditures decrease minimally due to the bill's effect on the application of existing incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$140 to \$350 per incarcerated individual in recent years.

Small Business Effect: The repeal of handgun permit requirements likely leads to a decrease in the demand for any small businesses that provide firearms training or electronic fingerprint services.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 364 of 2023 and HB 1206 of 2022.

Designated Cross File: None.

Information Source(s): Howard and Prince George's counties; Maryland Association of Counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2025
km/lgc

Analysis by: Shirleen M. E. Pilgrim

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

Appendix

Handgun Permit Requirements – Current Law/Background

Generally, with certain exceptions, to be issued a handgun permit by the Secretary of State Police, an applicant (1) must be at least age 21 years or a member of the U.S. Armed Forces, the National Guard, or the uniformed services; (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) 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; (4) must not be on supervised probation for conviction of a crime punishable by imprisonment for one year or more, a violation of § 21-902(b) or (c) of the Transportation Article (driving while under the influence or driving while impaired), or violating a protective order under § 4-509 of the Family Law Article (failure to comply with interim or final protective order); (5) must not suffer from a mental disorder and have a history of violent behavior against the person or another; (6) must not have been involuntarily admitted for more than 30 consecutive days to a facility that provides treatment or other services for mental disorders; (7) must not be a respondent against whom a current non *ex parte* civil protective order has been entered under § 4-506 of the Family Law Article, a current extreme risk protective order has been entered under § 5-601 of the Public Safety Article, or any other type of current court order has been entered prohibiting the person from purchasing or possessing firearms; (8) must not exhibit a propensity for violence or instability, which may reasonably render possession of a handgun a danger to the applicant or another; (9) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (10) if 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; and (11) must not otherwise be prohibited by State or federal law from possessing a handgun.

The Secretary may not issue a handgun permit to a person who has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article (child access to firearms) or has been convicted on or after October 1, 2023, of a violation of that provision if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person. The Secretary also may not issue a handgun permit to a person who has been convicted on or after October 1, 2023, of a violation of § 4-104 of the Criminal Law Article for five years following the date of the conviction.

A handgun permit applicant must successfully complete, prior to the application and each renewal, a firearms training course approved by the Secretary that includes (1) for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor, or 8 hours of instruction for a renewal application; (2) classroom instruction on State and federal firearm laws, home firearm safety, handgun mechanisms and operations, conflict de-escalation and resolution, anger management, and suicide prevention; and (3) a firearm qualification component that includes live-fire shooting exercise on a firing range and requires the applicant to demonstrate safe handling of a handgun and shooting proficiency with a handgun.

An applicant for a permit is not required to complete a certified firearms training course if the applicant:

- is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;
- is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard;
- is a qualified handgun instructor; or
- has completed a firearms training course approved by the Secretary.

A handgun permit application costs \$125; two years after the initial permit and every three years thereafter, a \$75 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for an initial application. A person who applies for a renewal of a handgun permit is not required to be fingerprinted unless the Secretary requires a set of the person's fingerprints to resolve a question of the person's identity.

Generally, a handgun permit expires on the last day of the holder's birth month following two years after the date the permit is issued; however, the Secretary may establish an alternative expiration date for a permit to coincide with the expiration of a private detective license, a security guard certification, or a special police officer commission. A permit may be renewed for successive periods of three years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee.

In 2024, the Department of State Police (DSP) received 40,944 new applications for handgun permits and 28,735 handgun permit renewal applications. DSP denied 1,557 applications in the same year. As of December 31, 2024, there are approximately 202,241 active handgun permits in the State. It generally takes less than two days to receive

the results of a national criminal history records check from the FBI and approximately seven days to process and issue a permit.