



# **RACIAL EQUITY IMPACT NOTE**

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2026 Session  
HB1061

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## **Criminal Law - Wearing, Carrying, or Transporting a Handgun - Prior Convictions**

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### **Bill Summary**

This bill expands the circumstances under which a defendant that violates provisions relating to wearing, carrying, or transporting a handgun is subject to existing subsequent offender enhanced sentencing provisions based on the defendant's prior criminal history to include prior convictions from another state, federal, military, or a Native American tribal court, provided that the prior offense would constitute a violation of one of the applicable provisions if committed in Maryland. 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.

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### **Racial Equity Impact Statement**

The bill would require enhanced penalties for offenders convicted of illegal possession of a handgun who have prior convictions in other jurisdictions for specified firearm violations. Criminal justice data suggests the bill is likely to disproportionately affect Black Marylanders, who are already overrepresented in arrests, convictions, and incarcerations for handgun offenses. Department of State Police (DSP) data show that Black individuals are 12 times more likely than white individuals to be arrested for handgun-related offenses, while Hispanic individuals are twice as likely to be arrested for the same offense relative to their white peers. Additional data would be required to assess specific impacts, including the proportion of arrestees for illegal handgun possession who have prior convictions in other jurisdictions.

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## Analysis

A person must have a handgun permit before the person carries, wears, or transports a handgun in the State.

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**.

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### 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

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### *Impacts of the Bill*

Following the U.S. Supreme Court’s June 2022 decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, Maryland’s Court of Special Appeals (now the Appellate Court of Maryland) ruled that Maryland’s wear and carry handgun permit law requiring an applicant to have a “good and substantial reason” to be issued a license to carry was unconstitutional. This has led to a significant increase in the number of individuals legally permitted to carry firearms in the State. Arrests for illegal handgun possession and other firearm-related offenses, however, have also increased since 2023.

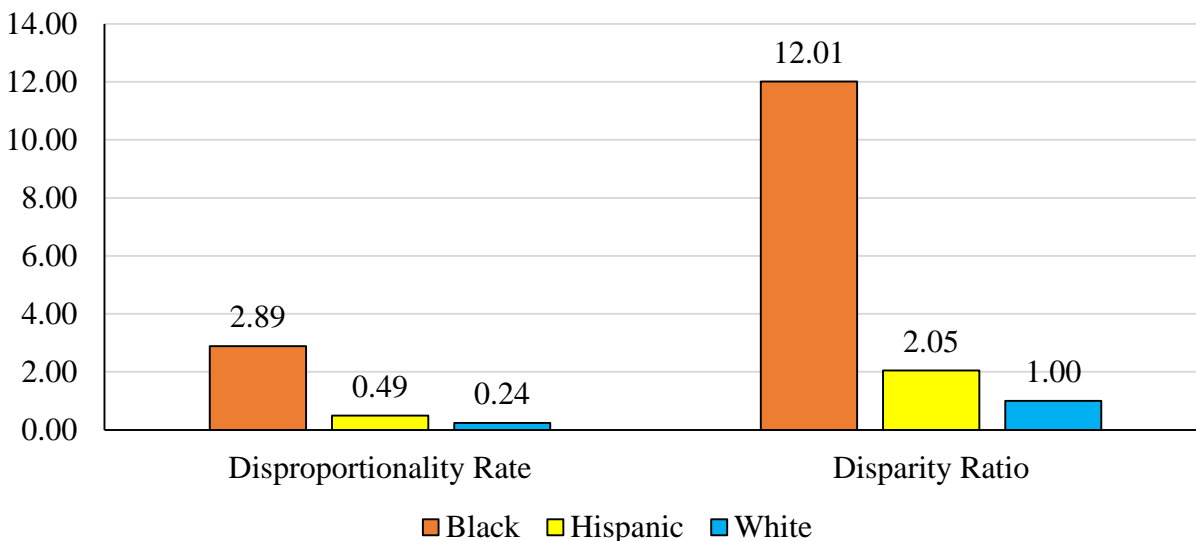
DSP uses the Federal Bureau of Investigation’s National Incident Based Reporting System (NIBRS) to collect and report detailed information about crime incidents, victims, offenders, and arrestees. NIBRS also captures information on the relationships between victims and offenders, as well as the use of weapons and the types of stolen or damaged property. In 2024, the NIBRS reporting agencies reported approximately 2,105 arrests involving handgun-related weapons law violations. While the DSP data includes arrests for other handgun-related offenses in addition to wearing, carrying, and transporting a handgun, it provides the best approximation of the offenders impacted by the bill.

When compared to their share of the overall State population, Black offenders are significantly overrepresented in arrests for handgun-related offenses. **Exhibit 2** shows the disproportionality rate and disparity ratio by race and ethnicity from the DSP data. The disproportionality rate for Black arrestees is 2.89. This means that Black individuals are nearly three times more likely to be

arrested for these offenses, given their share of the adult population in the State. The disproportionality rates for Hispanic and white arrestees are significantly less than 1.00, which means they are considerably less likely to be arrested for these offenses when compared to their share of the overall adult population.

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**Exhibit 2**  
**Racial Disproportionality Rate and Disparity Ratio for**  
**Handgun-related Arrests**  
**2024**



Source: Department of State Police; Department of Legislative Services

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The disparity ratio illustrates inequities in outcomes when comparing one or more racial or ethnic groups within a dataset to the white population within that same dataset. In this instance, the disparity ratio for Black arrestees is 12.01. This means that Black individuals are 12 times more likely to be arrested for a handgun-related offense relative to their white peers. In addition, Hispanic individuals are twice as likely to be arrested relative to their white peers.

According to data from the Department of Public Safety and Correctional Services, there are 340 individuals currently incarcerated for violating the prohibition on wearing, carrying, or transporting a handgun under § 4-203 of the Criminal Law Article. Black individuals are significantly overrepresented in incarcerations for this offense relative to other racial and ethnic groups, as they comprise 87% of those incarcerated. The data also shows that, on average, Black and Hispanic inmates have longer sentences and are younger than white inmates who are incarcerated for the same offense.

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) reports that in fiscal 2025, a total of 1,250 defendants had sentencing guidelines eligible circuit court cases for convictions under § 4-203 of the Criminal Law Article. The MSCCSP data shows that Black

individuals are significantly overrepresented in convictions for this offense relative to other racial and ethnic groups, as they comprised 80% of those convicted and sentenced.

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## **Conclusion**

In Maryland and nationwide, racial and ethnic disparities exist throughout the criminal justice system. The bill's alteration of the list of convictions that subject a defendant to enhanced sentencing for wearing, carrying, or transporting a handgun to include certain extra-jurisdictional crimes will likely increase the number of individuals charged, convicted, and incarcerated in Maryland. This could exacerbate existing racial disparities in the State, as data shows a significant overrepresentation of Black offenders sentenced for illegal handgun possession. The bill would impose harsher penalties on a broader group of offenders, although there is no reliable way to estimate how many additional offenders would be affected. The notable disparities associated with the violations specified in the bill are indicative of systemic inequities observed generally in Maryland's criminal justice data.

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**Information Sources:** Department of State Police; Department of Public Safety and Correctional Services; Administrative Office of the Courts; Maryland State Commission on Criminal Sentencing Policy; Department of Legislative Services

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**Published:** 04/03/2026

# Appendix – Maryland Demographics

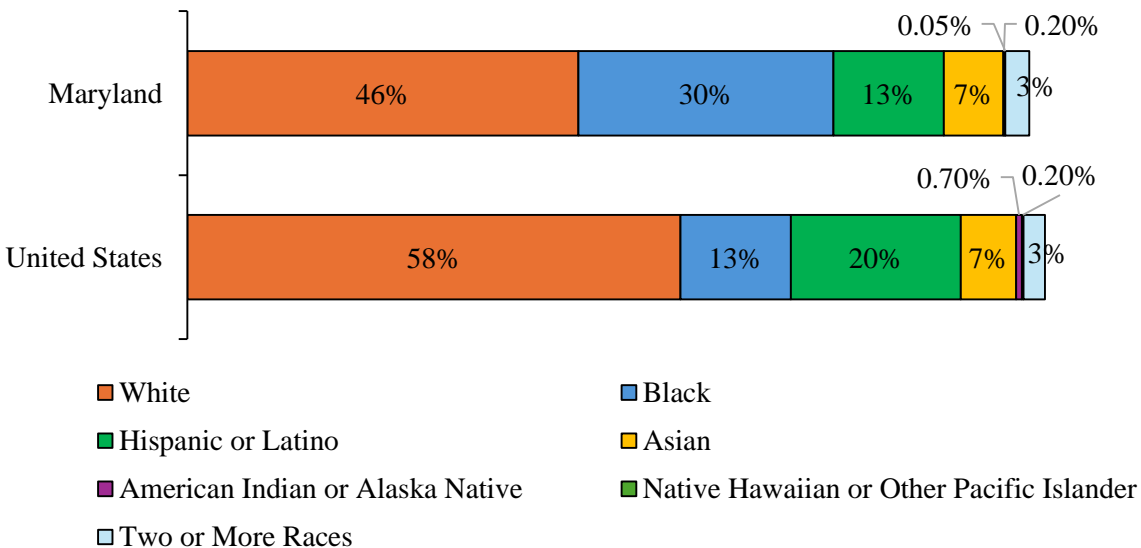
## *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

## *Methodology Update*

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity  
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau