

Daniel J. Carlin-Weber
HB845 – FAV
Judiciary Committee
3/3/2021

I am a firearms instructor and advocate of responsible firearms handling and ownership. Currently, I am certified by the Maryland State Police as a Qualified Handgun Instructor and regularly teach the course necessary to receive the Handgun Qualification License (HQL). I'm also a Utah Concealed Firearm Permit Instructor, and NRA Range Safety Officer and Basic Pistol Instructor. Since 2016, I have instructed Marylanders from all walks of life on how to safely operate firearms and the responsibilities that come with their usage. I come before you today to ask a favorable report of House Bill 845.

HB845 would add the language, “such as PERSONAL PROTECTION, SELF-DEFENSE, OR” to Public Safety Article 5-306 (a)(6)(ii), thus allowing a citizen who otherwise qualifies for a permit to be granted one for their personal defense. The rigorous 16-hour training component, fees, background checks, fingerprints, and other requirements of applying for a Wear and Carry Permit must still be met. Currently, applying for a Wear and Carry Permit requires that an applicant have a “good and substantial reason to wear, carry, or transport a handgun.” What constitutes “good and substantial reason” has been the center of debate for many, many years, but it is without dispute that the requirement denies the typical Marylander the ability to lawfully carry a handgun beyond their front door. Maryland’s current law demands that only special or favored classes of citizens are able to protect themselves in public with the “quintessential self-defense weapon.” *District of Columbia v Heller*, 554 U.S., 570 (2008). Business owners (or employees in certain circumstances), top-secret security clearance holders, and other governmental employees including law enforcement are the only people generally deemed worthy of having this ability. Those who

have been subjected to targeted crimes may be able to get a permit with enough documentation, but even then, this supposes that the person survives whatever threat they were faced with.

Maryland is one of only a handful of places that chooses who gets a permit based on their socio-economic class. With few exceptions, forty-four states, the District of Columbia, and even Puerto Rico, do not subjectively dictate which citizens are more valuable than others.

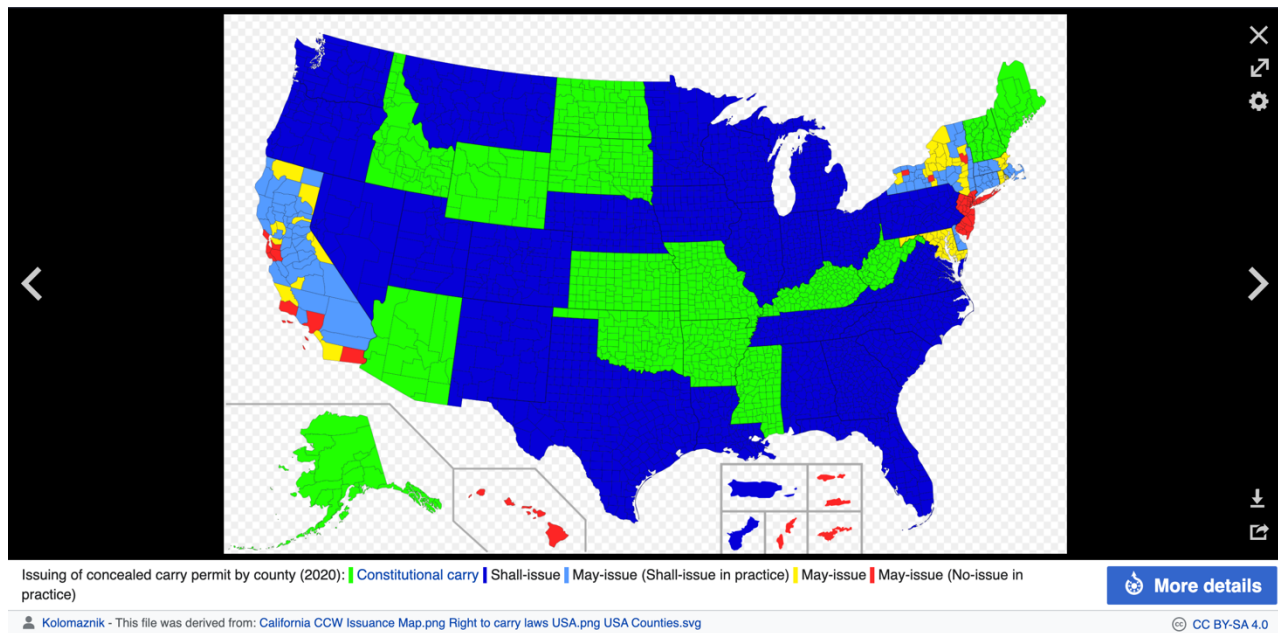


Figure 1 - Map of US by counties' practices of issuing carry permits. Note that as of 3/1/2021, UT and MT no longer require permits to carry concealed firearms and should be painted green. Other states are considering doing the same this year.

Some states like California and New York defer to county authorities on who gets permits. Applicants who are not prohibited by law from owning guns that complete other requirements these jurisdictions may place before them are granted permits *equitably*.

Every bordering jurisdiction of Maryland generally issues carry permits to law-abiding citizens without the need for applicants to be deemed in some way special. The District of Columbia once had a system based largely on Maryland's, but their "good reason" requirement, practically identical to Maryland's "good and substantial reason," was found to be unconstitutional

in *Wrenn v District of Columbia*, 864 F.3d 650 (D.C. Circ. 2017). Today, anyone who is not prohibited by law from possessing a firearm is eligible for a permit to carry a handgun in public in D.C. *Applying for a License to Carry a Handgun*, Metropolitan Police Department, <https://mpdc.dc.gov/page/applying-license-carry-handgun>. In Pennsylvania, at least 1 in every 10 adults is licensed to carry a firearm *Concealed Carry Permit Holders Across the United States: 2019*, John R. Lott, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3463357. Applicants need not provide proof of training *Carrying Firearms in Pennsylvania*, Pennsylvania State Police, <https://www.psp.pa.gov/firearms-information/Pages/Carrying-Firearms-in-Pennsylvania.aspx>. Delaware does still require that applicants be of ‘good moral character,’ but generally issues permits to all those who complete the requirements and are not prohibited from possessing firearms. Delaware also recognizes a number of out-of-state carry permits and allows openly carrying of a handgun with no permit whatsoever *Concealed Deadly Weapons*, Delaware Courts, <https://www.courts.delaware.gov/superior/weapons.aspx>. Virginia issues permits to all applicants not prohibited by law from owning firearms with proof of some form of training and also recognizes permits issued by any jurisdiction in the United States *Firearms / Concealed Handguns*, Virginia State Police, <https://www.vsp.virginia.gov/Firearms.shtml>. West Virginia requires no permit at all for any person over 21 (not just WV residents!) who isn’t prohibited by law from possessing firearms to carry openly or concealed within its borders. West Virginia will still issue a permit to someone who applies *Gun Reciprocity / Frequently Asked Questions*, West Virginia State Attorney General’s Office, <https://ago.wv.gov/gunreciprocity/Pages/FAQ.aspx>.

Some might wonder what Maryland would look like if more citizens were legally carrying guns. Many generally think of Texas as the wild west of gun ownership, but reality shows otherwise. As of December 31st, 2019, Texas had 1,443,195 concealed carry permit holders (for perspective,

that is more than a fifth of Maryland's entire population who are licensed to carry in the state of Texas) *Active License/Certified Instructor Counts As of December 31, 2019*, Texas Department of Public Safety,

<https://www.dps.texas.gov/rsd/LTC/reports/ActLicAndInstr/ActiveLicandInstr2019.pdf>.

There were 64,357 criminal convictions in all of Texas in 2019. Of those convictions, permit holders were responsible for just 199 or 0.3092% of all convictions. That means 1,442,996 permit holders didn't break the law *Conviction Rates for Handgun License Holders Reporting Period: 01/01/2019 - 12/31/2019*, Texas Department of Safety,

<https://www.dps.texas.gov/RSD/LTC/Reports/ConvictionRatesReport2019.pdf>.

The overwhelming majority of permit holders in Texas and elsewhere abide by the law and follow good judgment while carrying a firearm every day in public. Nothing makes Texans any better or more worthy of having equitable access to the ability to protect themselves than Marylanders.

It is long past due to end Maryland's classist system of selecting winners and losers when it comes to issuing carry permits. With more 2nd Amendment legal challenges making their way through the lower courts (see *Call v. Jones III* (1:20-cv-03304), District Court, D. Maryland) and headed toward a Supreme Court that has indicated it is eager to weigh in on "good reason" (*Rogers v. Grewal*, 590 U. S. ____ (2020) (Thomas, J., Kavanaugh, J., dissenting from denial of certiorari), it is only a matter of time before Maryland will lose its scheme of denying carry permits to most law-abiding people one way or another. It behooves the General Assembly to add "personal protection" and "self-defense" as qualifying factors for permit applicants.

I urge a favorable report.

A handwritten signature in blue ink, appearing to read 'D. Carlin-Weber', is written over a light blue grid background.

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