



BILL NO: House Bill 845
TITLE: Public Safety - Permit to Carry, Wear, or Transport a Handgun – Qualifications
COMMITTEE: Judiciary
HEARING DATE: March 3, 2021
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 845.**

The Supreme Court stated in *District of Columbia v. Heller* that “[l]ike most rights, the right secured by the *Second Amendment* is not unlimited.”¹ Current Maryland law sets reasonable standards to obtain a permit to wear, carry, or transport a handgun. House Bill 845 seeks to vastly expand the current standards regarding whom may be granted a permit to carry, wear, or transport a handgun. Pursuant to Md. PUBLIC SAFETY Code Ann. § 5-306(a)(6)(ii), a person must have a “good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger.” HB 845 would change the “good and substantial reason” standard to allow anyone who wants a permit to carry, wear or transport a handgun to obtain one under the guise of personal protection or self-defense, but for those limited categories of persons who are specifically excluded in statute.

A “good and substantial reason” to obtain a handgun permit requires more than the amorphous fear proposed in HB 845. It is defined in COMAR as “[w]hether the permit is necessary as a reasonable precaution for the applicant against apprehended danger.”² In the often-cited case of *Snowden v. Handgun Permit Review Board*, the Court of Special Appeals upheld the denial of a wear, carry, transport permit for an individual who was involved in anti-drug and anti-crime activities and reported that another person overheard a threat made against Mr. Snowden by unidentified men.³ The Court of Specials Appeal opined that [i]f we accept Snowden's reasoning there would never be a time when a lawful person, fearful of his safety, would be denied a permit to carry a gun. Any vague threat would be sufficient to cause apprehension and, thus, the right to have a permit to carry a handgun.”⁴ That is the very intent and likely impact of HB 845.

¹*District of Columbia v. Heller*, 554 U.S. 570, 626 (2008).

² COMAR 29.03.02.03(B)(13).

³ *Snowden v. Handgun Permit Review Bd.*, 45 Md. App. 464, 413 A.2d 295, 298 (Md. Ct. Spec. App. 1980).

⁴ *Id.*

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We only need to look to Washington, D.C. to understand the dramatic expansion HB 845 will have on the issuance of wear, carry, or transport permits in Maryland. Since 2017 when the District of Columbia eliminated the “good cause” requirement to obtain a wear, carry, transport handgun permit there have been 4,808 permits approved in Washington, D.C.⁵ This is in stark contrast to the 123 permits granted prior to the change in statute.⁶ Maryland’s wear, carry, or transport handgun law is well-balanced and allows for those that can demonstrate a good and substantial reason to obtain a permit. With the knowledge that the presence of guns increases the risk of domestic violence homicide MNADV is deeply concerned about the potential impact of HB 845 for victims of domestic violence.

Higher rates of firearm ownership correlate to a higher rate of domestic violence homicide according to a 2019 study.⁷ There is a 65% higher incidence rate of domestic firearm homicide in the states with the highest firearm ownership compared to states with lower ownership rates.⁸ Since women are the most common victims of domestic violence homicide, they are most at risk with increased gun ownership.⁹ Black women are disproportionately the victims of domestic violence homicide with a firearm with an estimated 51.3% of Black adult female homicides found to be related to intimate partner violence.¹⁰ The risk of homicide for women increases by 500% with the presence of a gun in the home.¹¹

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 845.**

⁵ Marrison, Ann E. and Hermann, Peter, “Thousands of People Have Obtained Permits to Carry Loaded, Concealed Guns in Public in D.C.” (March 13, 2020). https://www.washingtonpost.com/local/dc-politics/good-reason-no-longer-needed-to-carry-a-concealed-gun-in-dc/2017/10/06/85a21084-aaa0-11e7-92d1-58c702d2d975_story.html

⁶ *Id.*

⁷ Kivisto, A.J., Magee, L.A., Phalen, P.L., Ray, B.R. (2019). Firearm ownership and domestic versus nondomestic homicide in the U.S. American Journal of Preventive Medicine, Abstract: [https://www.ajpmonline.org/article/S0749-3797\(19\)30197-7/fulltext#articleInformation](https://www.ajpmonline.org/article/S0749-3797(19)30197-7/fulltext#articleInformation)

⁸ Merovsh, Sarah. “Gun Ownership Rates Tied to Domestic Homicides, but Not Other Killings, Study Finds,” NY Times, (July 22, 2019) <https://www.nytimes.com/2019/07/22/us/gun-ownership-violence-statistics.html>

⁹ *Id.*

¹⁰ Petrosky, E., Blair, J.M., Betz, C.J., Fowler, K.A., Jack, S.P.D., & Lyons, B.H. (2017). Racial and ethnic differences in homicides of adult women and the role of intimate partner violence - United States, 2003-2014. MMWR. Morbidity and Mortality Weekly Report, 66(28), 741-746. Retrieved from <https://www.cdc.gov/mmwr/volumes/66/wr/pdfs/mm6628a1.pdf>.

¹¹ The National Domestic Violence Hotline, Retrieved 1/29/21, <https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms/>

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