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TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Office of the Attorney General

RE: HB 824 – Public Safety – Regulated Firearms – Possession and Permits to Carry, Wear, and Transport a Handgun (Support)

House Bill 824 has four broad components: (1) it adds additional disqualifying conditions to the prohibitions of regulated firearm possession; (2) it adds additional conditions to handgun permitting; (3) it doubles the application fees for handgun permits and requires a more robust program of ongoing review of handgun permits and potential revocation if the licensee misrepresented facts in their application or becomes disqualified after a permit is issued; and (4) it adds some data reporting requirements.

As to the new disqualifying conditions for possession, they are: (1) being currently on supervised probation for DUI, violating a protective order, or any crime punishable by 1 year or more; and (2) having been convicted of storing or leaving a loaded firearm where a child could access it (CL § 4-104), as follows: (a) if it's just a "simple" violation of CL § 4-104, the disqualification lasts only 5 years after the § 4-104 conviction; or (b) if it's a second or subsequent violation of CL § 4-104, or the violations resulted in the child's use of the firearm causing death or serious bodily injury, the disqualification is permanent.

With respect to the new handgun permit requirements, applicants must be at least 21 years old unless a member of the armed forces or national guard (currently an 18-year-old can get a permit, but possession by 18-21 year olds is generally illegal unless they have a permit and are military or National Guard performing official duties or are required to possess a handgun for their job).

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

House Bill 824 adds several new permit requirements that simply carry over existing prohibitions on possession: (1) not on supervised probation for DUI, violating a protective order, or any crime punishable by 1 year or more; (2) don't have a mental disorder and a history of violent behavior against self or others; (3) have not been involuntarily committed for more than 30 consecutive days; and (4) not a respondent under a current protective order, extreme risk protective order, or any other court order that prohibits them from possessing firearms.

Finally, House Bill 824 would codify new training requirements to get a permit, including: (1) education on Maryland self-defense law, including justifiable use of force and conflict de-escalation; (2) actual live-fire gun range exercises demonstrating safe handling and shooting proficiency; and (3) understanding of federal firearms law as well as state.

The Office of the Attorney General believes the commonsense policy choices in House Bill 824 will serve public safety and, therefore, urges a favorable report on the bill.

cc: Committee Members