

ANTHONY G. BROWN
Attorney General



CANDACE MCLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO.
(410) 576-6584

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TO: The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB0001 – Criminal Law – Wearing, Carrying, or Transporting Firearms –
Restrictions (Gun Safety Act of 2023)
Support

Chair Smith, Vice Chair Waldstreicher, and distinguished Members of the Judicial Proceedings Committee, the Office of the Attorney General supports the policy positions advanced in Senate Bill 1.

This legislation, sponsored by the Vice Chair, creates two new crimes, each carrying a statutory maximum penalty of one (1) year imprisonment. First, SB 1 creates a crime for wearing, carrying, or transporting a handgun on someone else's real property. There are exceptions, such as if the property owner gave permission "to the public generally" to carry firearms there, or if the property owner gave permission "to the person" to carry firearms there, or the property is owned by the State or a political subdivision. Second, it creates a crime for wearing, carrying, or transporting a handgun within 100 feet of a "public accommodation." A "public accommodation" includes a hotel, restaurant, theater, stadium, or retail establishment. In short, Senate Bill 1 prohibits wearing, carrying, or transporting a firearm on someone else's real property (absent express permission) or within 100 feet of a place of public accommodation.

The proliferation of handguns in public cannot be overstated. Nor, it seems, should property owners or public accommodations have to tolerate undesirable firearms on their property.

For the foregoing reasons, the OAG urges a favorable report on Senate Bill 1.

cc: Members of the Committee

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