



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY  
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND  
ON FEBRUARY 22, 2023  
BEFORE THE HOUSE JUDICIARY COMMITTEE  
IN SUPPORT OF HOUSE BILL 824, REGARDING POSSESSION  
AND PERMITS TO CARRY, WEAR, AND TRANSPORT A HANDGUN**

Honorable Chair Luke Clippinger, Vice-Chair David Moon, and Members of the Committee:

The Critical Issues Forum: Advocacy for Social Justice (CIF), provides this testimony in support of HB 824, concerning possession and permits to carry, wear, and transport a handgun.

CIF is a coalition of three synagogues, Temple Beth Ami, Kol Shalom, and Adat Shalom, that include over 1,750 households and three denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF serves as a vehicle for our congregations to speak out on policy issues, such as gun violence prevention, that relate to our shared values, including the Jewish traditions that emphasizes the sanctity and primary value of human life.

On June 23, 2022, the Supreme Court issued its decision in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S.Ct. 2111 (2022), striking down a New York state law requiring individuals who wished to carry a handgun in public to demonstrate a special need for self-protection distinguishable from that of the general community. The Court held that New York's requirement was unconstitutional because it prevented law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public.

As the Court noted, Maryland is one of seven states to have a similar requirement. Our handgun law requires that a permit to carry a handgun may only be issued if the person seeking it "has good and substantial reasons" for its issuance. MD Code Subtitle 3, Section 5-306(a)(6)(ii). There is no question that this requirement is now unconstitutional, and the State Police have discontinued enforcing it.

The response to this change has been dramatic. Even with this change being in effect only for half of last year, the number of handgun carry permits filed with the State Police rose from 18,717 in 2021 to 101,115 in 2022. And the consequences are predictable. Without action by the legislature, we will begin to see more and more guns in our stores, restaurants, bars, sporting events, and houses of worship, and on public transportation. A dramatic increase in violent confrontations is likely to follow. We will also fail to address another grave risk. Research has shown that violent crime involving firearms increases by 29 percent when people are given the right to carry handguns.<sup>1</sup>

The Supreme Court's opinion does provide tools for the State to address these consequences. The Court has recognized that the Second Amendment is not a "regulatory straightjacket" and that it allows states to adopt a "variety" of gun regulations." *N.Y. State Rifle & Pistol Ass'n* 142

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<sup>1</sup> More Guns, More Unintended Consequences; Donohue, Cai, Bondy, and Cook;

[https://www.nber.org/papers/w30190?utm\\_campaign=ntwh&utm\\_medium=email&utm\\_source=ntwg14](https://www.nber.org/papers/w30190?utm_campaign=ntwh&utm_medium=email&utm_source=ntwg14)

S.Ct. at 2133, 2162. In addition, when it comes to restrictions on carrying firearms in public, the Court has recognized that states may restrict the carrying of firearms in “sensitive places,” and may restrict the “manner” in which guns are handled in public. These types of restrictions are rooted in the American historical record, the new test that the court applied. *N.Y. State Rifle & Pistol Ass’n*, 142 S. Ct. at 2133.

HB 824 would eliminate the longstanding requirement that applicants for handgun carry permits demonstrate they have “good and substantial reasons” to carry a handgun, as required by the Court. It would add limited new restrictions on the possession of handguns and the granting of permits to carry a handgun, adding new offenses to the list of those which would trigger the denial of a permit. It would also add additional requirements for the training required before obtaining a carry permit and new data collection and reporting requirements.

These proposed changes to the law are both welcome and necessary. However, they are far from an adequate response to the risks to public safety created by the vast expansion of handgun carry permits that Maryland is experiencing. We must not permit individuals who have not been convicted of a crime, but have demonstrated a propensity for violence, to carry a handgun and we must protect our sensitive public spaces from the danger that handguns present.

### **Handgun Permitting**

Section 5-306(a)(6) of the current law requires that in order to issue a handgun permit, the State Police must find, “based on an investigation,” that the applicant “has not exhibited a propensity for violence or instability that may reasonably render the person’s possession of a handgun a danger to the person or others.” However, the statute does not provide the means or standards for the State to conduct a reasonable investigation.

In the past, the State Police relied heavily on applicants proving that they had “good and substantial reasons” to carry a firearm, relying on a criminal and mental health records check as the only assessment of dangerousness. When the Supreme Court invalidated the “substantial reasons” requirement, the burden shifted to the Police to establish, under the remaining standard, whether the applicant presented a danger to that person or others.

The reality of the State’s handling of wear and carry permits in the six months after the Supreme Court issued the *Bruen* decision demonstrates the insufficiency of the current statutory and administrative framework. Officials of the Maryland State Police Licensing Division, who are responsible for evaluating and granting wear and carry permits, testified before this Committee at a hearing held on January 25, 2023. They described how their process for evaluating permit applications has changed since the *Bruen* decision, and how the number of permit requests and issuances has skyrocketed.

Prior to the *Bruen* decision, when a wear and carry permit application was submitted, the State Police would submit the individual’s name and fingerprints for a criminal history records check, to determine whether the person had been convicted of a disqualifying crime, and would request a search of the Department of Mental Health Database, which could disclose a disqualifying condition. The Police would then conduct an interview with the applicant to determine whether the reasons and evidence he or she supplied demonstrated a “good and substantial reason” to get a permit.

Since the *Bruen* decision, the Police follow the first two of their prior procedures - the criminal and mental health check - but *they have discontinued doing any interviews of applicants*. Further, nothing in the statute or their procedures requires them to seek, or individuals to

provide, *any* information and confirmation that would establish that the person does not have a “propensity for violence or instability” that makes it dangerous for them to carry a handgun - a determination that the statute currently requires the Police to make.

The result of these changes has been an alarming increase in largely unexamined wear and carry handgun permit holders. The issuance of *Bruen* prompted an increase in permit applications submitted from 18,517 in 2021 to 101,115 in 2022 - a 446% increase. At the same time, the rate at which permits were disqualified dropped from 10.6% to 2%. While the Supreme Court has indicated that handgun carry permits must be granted if an individual has no reason other than self-defense to apply for one, it did not hold that a person who is likely to use a handgun to intimidate or harm others must be granted a permit.

The State Police must be given the tools to make a much more robust effort to screen dangerous individuals from getting a handgun. These tools would include requiring applicants to provide more information to facilitate the process and requiring the Police to conduct an investigation of each applicant.

The Senate Judiciary Committee has before it a bill that includes these elements. The current version of SB 1 includes the following requirements:

1. That applicants provide, in addition to basic identifying information, any aliases or names previously used, occupation and place of employment, a physical description, and other information the state police deem necessary. Section 5-304(a)(2). CIF suggests that information about social media accounts and names used online also be requested.
2. That the application be endorsed by four acquaintances who have known the individual for 3 years and can attest that the applicant does not have a propensity for violence and would not pose a danger to the applicant or others. Section 5-304(a)(3).
3. That the applicant meets in person with the state police before a license is issued. Section 5-304(a)(5).

SB 1 also requires that the State Police consider the following information in their investigation:

1. Whether the applicant has a history of making threats, or committing acts of violence,
2. Any arrest or charges of criminal acts that would have been disqualifying had the applicant been convicted,
3. Whether the applicant has mental health issues that may lead to suicidal or violent tendencies,
4. Whether the applicant has previously used drugs or alcohol,
5. Statements about the applicant by law enforcement officials in a jurisdiction where the individual resides, and
6. Any other information that the State Police deem relevant.

These are reasonable requirements that do not violate the Second Amendment and should be included in HB 824. A thorough investigation of this sort would provide substantial protection to the public. Resources should be provided to the State Police to conduct these investigations.

## **Sensitive Places**

HB 824 does not address one of the most significant issues left open by the Court's *Bruen* decision - sensitive places where handguns are not permitted. The Court discussed the historical precedent for restrictions on guns in schools, government buildings, legislative assemblies, polling places and courthouses. It noted that a location may be banned if it imposes a comparable burden to historical law.

Consistent with the principle that states may ban firearms in sensitive places, section 4-112(C) of SB1 would prohibit a person from carrying a firearm in:

1. A public conveyance (airplane, bus, railcar, school vehicle, etc.);
2. A public conveyance terminal (airport, bus station, train station, etc.);
3. A location licensed to sell alcohol;
4. A Child Care Center;
5. State and local buildings (including courthouses, police stations, prisons, libraries, state universities, schools);
6. Private colleges and universities;
7. Certain public spaces (including parks, playgrounds, theaters, museums, sports arenas, concert venues, conference and exhibition centers);
8. Health care facilities;
9. Video lottery facilities;
10. Polling places;
11. Shelters for the homeless, emergency victims, victims of domestic violence, and runaway youth;
12. Electric plants;
13. Within 100 feet of a demonstration requiring a permit; and
14. Athletic competitions for minors.

Restricting firearms in these locations would provide a measure of assurance that our public life will be much less disrupted by the threat and the reality of gun violence. There are representative historical analogies for these restrictions, and thus they do not infringe on the Second Amendment. CIF urges the Committee to amend HR 824 to adopt these provisions contained in SB 1.

## **Behavior While Carrying a Firearm**

Section 5-314 of the current law prohibits a permit holder from wearing, carrying, or transporting a handgun while under the influence of alcohol or drugs. Given the increased prevalence of handguns in our public spaces, more limitations are needed, including the following:

1. A person carrying a handgun may not use or consume alcohol or drugs while carrying outside a holster,
2. May not carry more than two firearms,
3. May not engage in the unjustified display of a handgun,
4. Individuals carrying a handgun who are stopped by law enforcement should be required to immediately disclose that they are carrying and show their permit,
5. Individuals should not be permitted to leave a handgun outside of their immediate possession or control within a parked vehicle, unless the handgun is unloaded and contained in a closed and securely locked container, and is not visible from outside of the vehicle, or is locked unloaded in the trunk or storage area of the vehicle. Similarly, ammunition should be stored in separate locked containers. In no case should a firearm or ammunition be stored in the glovebox of the automobile.

These restrictions would reduce the risk of escalating violence and gun theft.

Finally, CIF requests that the bill be amended to contain a severability provision, specifying that the remainder of the legislation would remain effective, even if one or more of its provisions are found to be unenforceable.

CIF urges this committee to produce a favorable report on HR 824.