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February 5, 2025

TO: The Honorable Delegate Luke Clippinger
Chair, Judiciary Committee

FROM: Nicholas Kelly
Law Clerk, Legislative Affairs, Office of the Attorney General

RE: House Bill 354 - Criminal Law - Prohibitions on Wearing, Carrying, or
Transporting a Handgun – Penalties - **Oppose**

The Office of Attorney General urges an unfavorable report on **House Bill 354** – Criminal Law – Prohibitions on Wearing, Carrying, or Transporting a Handgun - Penalties. By establishing a “knowingly” intent element for a person wearing, carrying, or transporting a handgun, **House Bill 354** will weaken Maryland’s gun laws.

House Bill 354 amends §4-201 and §4-203 of the Criminal Law Article by (1) adding a definition for “firearm”, (2) repealing strict liability for wearing, carrying, or transporting a handgun by adding the word “knowingly” to the statute, (3) limiting the scope of the violation from someone wearing, carrying, or transporting a handgun “on or about” their person to simply “on” their person, and (4) reducing the maximum penalty for violations in certain circumstances from five years in jail to only a \$1,000 fine.

It is our Office’s position that these changes, particularly those made to §4-203, will weaken the State’s gun laws by deteriorating the deterrence mechanisms that promote people to obtain proper permits and training. **House Bill 354** will also have a strong negative impact on current and future gun-related litigation by substantially increasing the difficulty of meeting the burden of proof.

For these reasons, the Office of the Attorney General urges an unfavorable report on **House Bill 354**.

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.