



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

Proposed Position on Legislation

RE: HOUSE BILL 354 Criminal Law - Prohibitions on Wearing, Carrying, or Transporting a Handgun

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 5, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 354.

For the present time, any and all persons who are permitted to wear and carry a concealed firearm should not be infringed upon except in the fewest possible circumstances. Limitations on where to carry should be few. Once citizens of the state of Maryland are vetted by the Maryland Department of State Police, they should be trusted to safely and responsibly carry their firearms by those that serve them. All have received hours of training. All have undergone background checks.

House Bill 354 wisely seeks to add “Knowingly” to Criminal Law 4-203(a). The requirement that a person does an act “knowingly” speaks to state of mind and criminal intent. It is an important addition that ensures we enforce our laws, and criminalize acts, that individuals are aware they are committing rather than casting a wide net to punish anyone who may meet mere possession, or constructive possession standards. For example, if a husband, who possesses a wear and carry permit, inadvertently leaves his firearm in the trunk of the car and his wife, with no permit gets pulled over, the gun discovered, and charged, she unknowingly possessed the firearm. Likewise, if she carries the husband’s bag containing the firearm, she very well could have done so, unknowingly. These circumstances happen frequently between friends, family members, individuals who are sharing a ride or car, and the law currently permits all those in

“possession” to be charged. The breadth of the statute naturally invites overcharging and is an inefficient use of judicial resources and unnecessarily criminalizes behavior with no “bad intent.”

Using the “knowingly” clause, and if the person is otherwise not a prohibited person, it is reasonable and prudent to fine the person for their mistake, but not to punish them for a lifetime by turning them into a prohibited person. The proposed fine, under 4-203(c)(III), up to \$1000.00 will certainly be more cautious, especially with a firearm, and also give them the benefit of the doubt.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 354.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.