

HOUSE BILL 353

E4
HB 364/23 – JUD

5lr0710

By: **Delegates Grammer, Arikan, Chisholm, Fisher, M. Morgan, Nawrocki, and Szeliga**

Introduced and read first time: January 16, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permit Requirement – Repeal**
3 **(Maryland’s Constitutional Carry Act of 2025)**

4 FOR the purpose of repealing the requirement that a person have a certain permit before
5 the person carries, wears, or transports a handgun; repealing certain criminal
6 prohibitions against a person who is at least a certain age wearing, carrying, or
7 transporting a handgun; and generally relating to wearing, carrying, or transporting
8 a handgun.

9 BY repealing

10 Article – Public Safety
11 Section 5–301 through 5–314 and the subtitle “Subtitle 3. Handgun Permits”
12 Annotated Code of Maryland
13 (2022 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Criminal Law
16 Section 4–101(b) and 4–203(a) and (b)
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2024 Supplement)

19 BY adding to

20 Article – Criminal Law
21 Section 4–207
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2024 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Natural Resources
26 Section 10–410(c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 5–301 through 5–314 and the subtitle “Subtitle 3. Handgun Permits” of
Article – Public Safety of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

Article – Criminal Law

4–101.

(b) This section does not prohibit the following individuals from carrying a
weapon:

(1) an officer of the State, or of any county or municipal corporation of the
State, who is entitled or required to carry the weapon as part of the officer’s official
equipment, or by any conservator of the peace, who is entitled or required to carry the
weapon as part of the conservator’s official equipment, or by any officer or conservator of
the peace of another state who is temporarily in this State;

(2) a special agent of a railroad; **OR**

(3) [a holder of a permit to carry a handgun issued under Title 5, Subtitle
3 of the Public Safety Article; or

(4)] an individual who carries the weapon as a reasonable precaution
against apprehended danger, subject to the right of the court in an action arising under
this section to judge the reasonableness of the carrying of the weapon, and the proper
occasion for carrying it, under the evidence in the case.

4–203.

(a) (1) Except as provided in subsection (b) of this section[, a person may not]:

(i) **A PERSON UNDER THE AGE OF 21 YEARS MAY NOT** wear,
carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) **A PERSON UNDER THE AGE OF 21 YEARS MAY NOT** wear,
carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling
on a road or parking lot generally used by the public, highway, waterway, or airway of the
State;

(iii) [violate item (i) or (ii) of this paragraph] A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON while on public school property in the State;

(iv) [violate item (i) or (ii) of this paragraph] A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON with the deliberate purpose of injuring or killing another person; [or] AND

(v) [violate item (i) or (ii) of this paragraph] A PERSON UNDER THE AGE OF 21 YEARS MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN, WHETHER CONCEALED OR OPEN, ON OR ABOUT THE PERSON with [a] THE handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full-time assistant or deputy sheriff of the State; or

(vi) a temporary or part-time sheriff's deputy;

[(2) the wearing, carrying, or transporting of a handgun by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona

1 fide residence and place of business of the person, if the business is operated and owned
2 substantially by the person if each handgun is unloaded and carried in an enclosed case or
3 an enclosed holster;]

4 [(4)] (2) the wearing, carrying, or transporting by a person of a handgun
5 used in connection with an organized military activity, a target shoot, formal or informal
6 target practice, sport shooting event, hunting, a Department of Natural
7 Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience
8 training class or show, while the person is engaged in, on the way to, or returning from that
9 activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

10 OR

11 [(5)] the moving by a bona fide gun collector of part or all of the collector's
12 gun collection from place to place for public or private exhibition if each handgun is
13 unloaded and carried in an enclosed case or an enclosed holster;

14 (6) the wearing, carrying, or transporting of a handgun by a person on real
15 estate that the person owns or leases or where the person resides or within the confines of
16 a business establishment that the person owns or leases;

17 (7) the wearing, carrying, or transporting of a handgun by a supervisory
18 employee:

19 (i) in the course of employment;

20 (ii) within the confines of the business establishment in which the
21 supervisory employee is employed; and

22 (iii) when so authorized by the owner or manager of the business
23 establishment;]

24 [(8)] (3) the carrying or transporting of a signal pistol or other visual
25 distress signal approved by the United States Coast Guard in a vessel on the waterways of
26 the State or, if the signal pistol or other visual distress signal is unloaded and carried in an
27 enclosed case, in a vehicle[; or

28 (9) the wearing, carrying, or transporting of a handgun by a person who is
29 carrying a court order requiring the surrender of the handgun, if:

30 (i) the handgun is unloaded;

31 (ii) the person has notified the law enforcement unit, barracks, or
32 station that the handgun is being transported in accordance with the court order; and

33 (iii) the person transports the handgun directly to the law
34 enforcement unit, barracks, or station].

1 4-207.

2 (A) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A HANDGUN WHILE
3 THE PERSON IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

4 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
5 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A
6 FINE NOT EXCEEDING \$1,000 OR BOTH.

7 **Article – Natural Resources**

8 10-410.

9 (c) (1) A person may not shoot at any species of wildlife from an automobile or
10 other vehicle or, except as provided in § 4-203(b) of the Criminal Law Article [and Title 5,
11 Subtitle 3 of the Public Safety Article], possess in or on an automobile or other vehicle a
12 loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or
13 chamber.

14 (2) If this subsection is violated by an occupant of a vehicle which has 2 or
15 more occupants and it cannot be determined which occupant is the violator, the owner of
16 the vehicle, if present, shall be presumed to be responsible for the violation. In the absence
17 of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible
18 for the violation.

19 (3) Provisions of this subsection do not apply to a disabled person who
20 obtains a special permit under § 10-307 of this title.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2025.