



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2023 Session
SB0001

Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Bill Summary

As introduced, this bill prohibits, with specified exceptions, a person from knowingly wearing, carrying, or transporting a firearm onto the real property of another unless the other has given express permission, either to the person or to the public generally, to wear, carry, or transport a firearm on the real property. In addition, the bill prohibits a person from knowingly wearing, carrying, or transporting a firearm within 100 feet of a place of public accommodation. A violator of either prohibition is guilty of a misdemeanor and on conviction subject to a maximum of one year imprisonment.

Racial Equity Impact Statement

The impacts of the bill's provisions expanding the areas where firearms are restricted are intertwined with the impacts of the recent significant increase in the number of residents who have received permits to legally wear and carry firearms in the State. While difficult to measure at present, the overall equity impacts will depend on various prospective outcomes including the rates of firearm possession violations and permit revocations as well as the overall enforcement of prohibitions.

Analysis

As introduced, this bill generally prohibits, with certain exclusions, an individual from wearing, carrying, or transporting a firearm at or near public accommodations without express consent. Public accommodations include inns, hotels, motels, restaurants, movie theaters, stadiums, and

retail establishments. The prohibition also extends to the private real property of another individual unless the property owner gives express permission.

Under existing law, with specified exceptions and subject to a range of penalties, a person is generally prohibited from wearing, carrying, or transporting a handgun, whether concealed or open, on or about the person. One exception is when a person has a permit issued by the Department of State Police (DSP) to carry, wear, or transport a handgun. DSP may limit the geographic area, circumstances, or times of the day, week, month, or year in which a permit is effective. Gun permit holders are further restricted by a number of statutes and regulations that prohibit wearing, carrying, or transporting firearms at or near specific places such as public schools, State parks and buildings, and public demonstrations.

DSP will deny an individual's handgun permit application if they do not meet various criteria. For example, DSP will deny a permit to an individual (1) under the age of 21 unless it is a requirement of employment; (2) convicted of a misdemeanor or felony who was imprisoned for more than one year (unless pardoned or given permission under federal law); (3) convicted of possession, use, or distribution of a controlled dangerous substance; (4) who is an alcoholic, addict, or habitual user of a controlled dangerous substance unless under legitimate medical direction; (5) that has 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; or (6) who has not successfully completed the DSP approved firearms training course within two years prior to submitting the original or renewal application.

Prior to a U.S. Supreme Court ruling in 2022, handgun permit applicants in Maryland were required to show a "good or substantial reason" to carry a firearm. A permit applicant who met this standard and who was not denied under the above criteria could be granted a carry permit tailored to their specific needs. In Maryland courts, the "good and substantial reason" requirement has long been interpreted to mean that, to be granted a license, an applicant must have greater need to carry a handgun than members of the general public. To satisfy that burden, applicants must show either a heightened need because of their profession or an "apprehension of danger" that is objectively reasonable and rises above the level of a "vague threat" or a "general fear of living in a dangerous society."

Effect of U.S. Supreme Court Ruling

On June 23, 2022, the U.S. Supreme Court, in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. (2022), held unconstitutional a New York law that required applicants for a concealed carry handgun permit to demonstrate a "proper cause" (or a special need for self-defense) before issuance of a license to carry a handgun in public.

Following the U.S. Supreme Court's decision, Maryland's Court of Special Appeals (now the Appellate Court of Maryland) applied *Bruen* directly to *In the Matter of William Rounds*, 255 Md. App. 205 (2022), ruling that Maryland's wear and carry handgun permit law requiring an applicant to have a "good and substantial reason" to be issued a license to carry was analogous to New York's "proper cause" requirement and was unconstitutional.

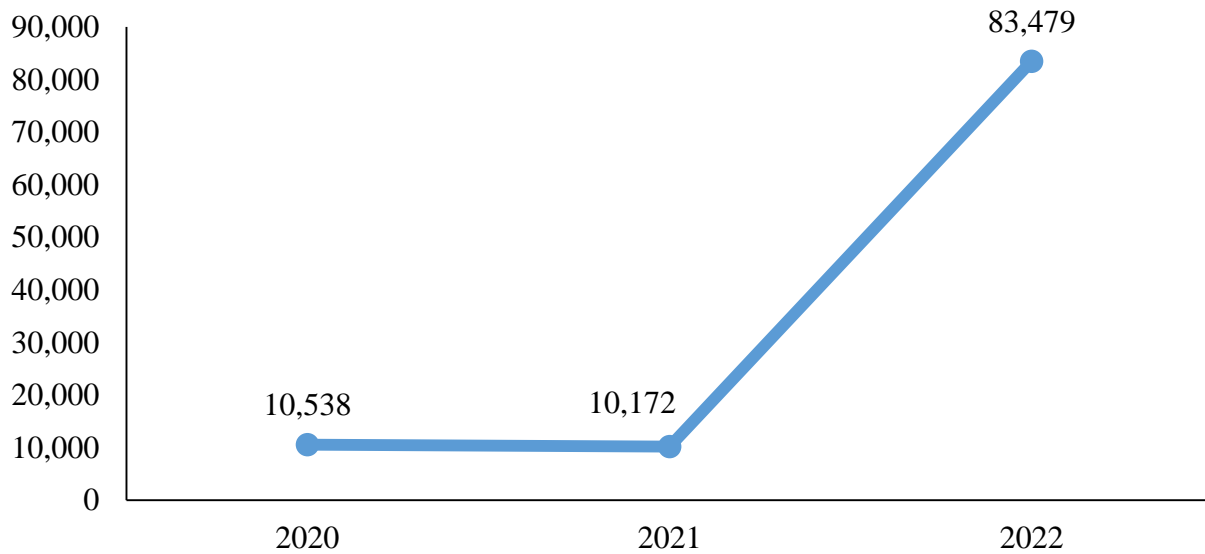
On July 5, 2022, Governor Lawrence J. Hogan, Jr., responded to the ruling by directing DSP to immediately stop using the "good and substantial reason" requirement when reviewing handgun permit applications in the State. On July 6, 2022, the Office of the Attorney General issued a similar letter advising on the constitutionality and severability of the "good and substantial reason"

from the State’s handgun permit statute while affirming all other requirements for a handgun permit remain in effect.

Handgun Permit Applications Pre and Post Bruen

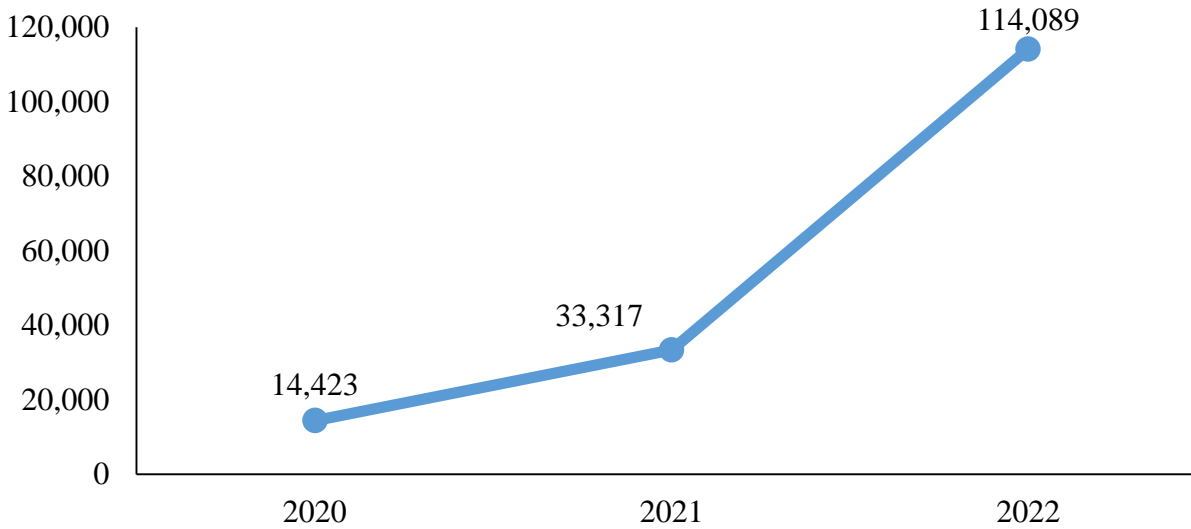
Since the *Bruen* ruling, there has been a significant increase in handgun permit applications in Maryland. In 2022, DSP received 85,266 new applications for handgun permits, of which 98% were approved, as compared to the 12,189 new permit applications filed in 2021. **Exhibit 1** shows the growth in approved permits from 2020-2022 and reflects an 821% increase in permits from 2021 (pre-*Bruen*) to 2022 (post-*Bruen*). Similarly, **Exhibit 2** shows that the overall number of active wear and carry handgun permits in the State rose to 114,089, a 791% increase compared to 2020.

Exhibit 1
Maryland Approved Wear and Carry Firearm Permits
2020-2022



Source: Department of State Police

Exhibit 2
Maryland Active Wear and Carry Firearm Permits
2020-2022



Source: Department of State Police

Demographics of Active and Revoked Handgun Permit Holders

According to DSP, of the 114,089 active handgun permit holders in 2022, 62% are white, 34% are Black or African American, 2% are Asian, 1% are of an unknown race, and less than 1% are American Indian or Alaska Native.

DSP revoked 120 active handgun permits in 2022, compared to 46 in 2021 and 17 in 2020. Of the 120 revoked permits, 54% are Black or African American permit holders, 35% are white, and Asian and American Indian or Alaska Natives each comprise 2.5% of the total. Due to the very small number of permit revocations, it is difficult to estimate whether there are any notable disparities.

Impacts of the Bill

The bill's provisions narrow the locations where a person can legally carry a handgun in the State. Prior to *Bruen*, existing law allowed for a relatively small number of permit holders who were prohibited from carrying a gun at specific locations and in many cases, DSP imposed additional restrictions specific to the permit holder. Post *Bruen*, and under existing law, a larger number of permit holders are still subject to the restrictions on specific locations on where they may legally carry a handgun but are no longer subject to the "good and substantial reason" requirement. The bill, however, would expand restricted areas to include additional categories of locations.

The bill's impact is intertwined with the changes to the landscape of gun ownership in the State as a result of *Bruen*. As the data above indicates, there is now a significantly larger population of gun permit holders in Maryland that would be subject to both the broader location restrictions under the bill and the enforcement activity associated with those restrictions. The bill's broader

restrictions could increase the rate of firearm violations as there would be many more restricted locations as compared to existing law. Thus, the combination of more comprehensive restrictions in the bill and the increase in legal gun ownership in the State could potentially result in increased permit revocations. It is not clear whether increased permit revocations would exacerbate any existing disparities since the relatively small number of revocations in previous years makes it difficult to estimate potential impacts.

In addition, while the bill may increase violations and revocations among permit holders in Maryland, the expanded eligibility for and availability of permits could also reduce the number of individuals arrested and convicted of firearm possession charges that result from carrying or transporting a firearm without a permit.

There are other potential impacts that cannot be measured at this time, but they are similarly intertwined with the prospective effects of the *Bruen* ruling. One such impact involves whether enforcement practices under the bill will impact individuals disproportionately. National and State data confirm that Black or African American and Hispanic or Latino individuals are more susceptible to aggressive law enforcement actions and excessive punishments than their white counterparts in Maryland. If the strategies used to enforce this bill resemble the past trends and patterns for racial and ethnic disparities, it is possible that Black or African American individuals, Hispanic or Latino individuals, and potentially others who carry a firearm outside of the home may be subject to more aggressive enforcement and harsher punishments relative to their white counterparts.

Conclusion

It is difficult to measure the bill's impacts separate from the impact of the *Bruen* ruling due to the complexities surrounding how they may prospectively affect gun owners in the State. There is some evidence that, at a minimum, the bill could be partially responsible for an increase in the number of permit revocations due to violations resulting from the broader location restrictions. It is difficult to determine to what extent this would be the result of the bill or the recent large increase in permit holders generally. Regardless, in the event that permit revocations rise, any existing disparities among permit holders may be exacerbated. The enforcement of the bill's provisions by law enforcement agencies could also influence the impacts on racial and ethnic minorities, but this cannot be determined without prospective data on enforcement. Any additional equity impacts of the bill are indeterminate without more robust data.

The following deidentified data by race, ethnicity, gender, sex, age, and geographic area would assist in assessing the overall equity impacts of the bill: (1) permit applicants by status (denied, approved, revoked); (2) revoked permits by violation; (3) individuals arrested, charged and/or convicted as a result of the bill; and (4) agency and demographics of arresting officers.

Information Sources: Department of State Police; Office of the Attorney General; Department of Legislative Services

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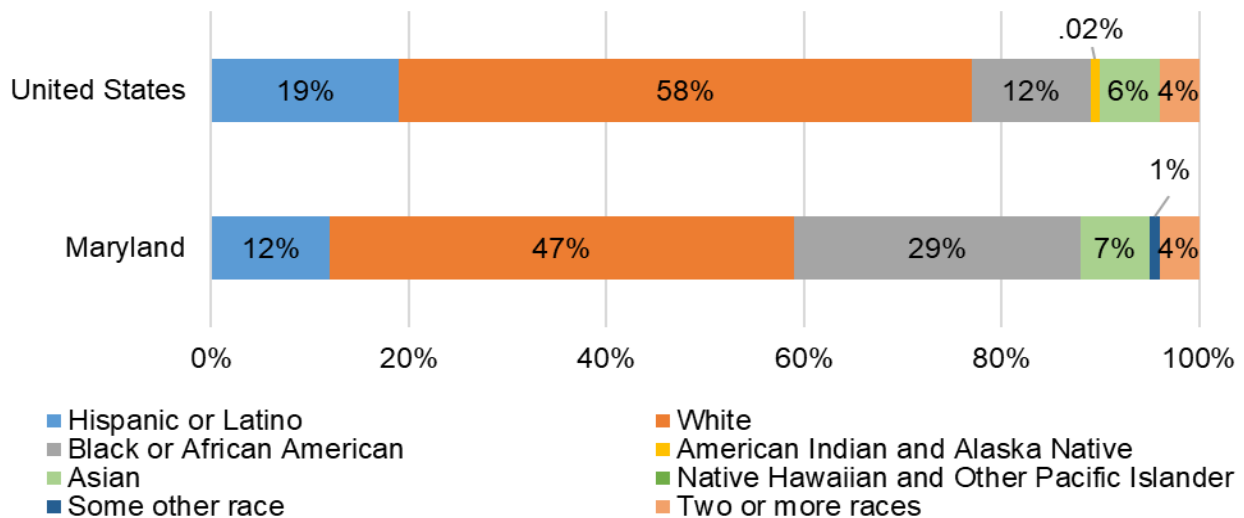
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.